CHAPTER clxxi.

An Act to amend the powers of the Cork Harbour Commissioners with respect to rates and dues and for other purposes. [2nd August 1883.] A.D. 1883.

WHEREAS by an Act passed in the first year of King George IV. cap. 52 intituled "An Act for erecting a Ballast Office and "for regulating Pilots within the Port and Harbour of Cork and for "rendering more safe and commodious the said Port and Harbour for "all Ships and Vessels trading to and from the same" and herein-after called "the Act of 1820" Commissioners (herein-after referred to as "the Commissioners") were constituted and appointed for improving and preserving the port harbour and river of Cork and were made the pilotage authority for the said port harbour and river and were authorised to levy rates and duties on the tonnage of ships and rates and duties on all goods and merchandise (except coals) exported or imported from or to the said port: 1 Geo. IV. cap. 52.

And whereas by the Cork Harbour Amendment Act 1866 herein-after called "the Act of 1866" the rates and duties upon the tonnage of vessels authorised by the Act of 1820 were extinguished and in lieu thereof the Commissioners were authorised to levy upon vessels entering or using the port the rates specified in the schedule to that Act: 29 and 30 Vict. cap. 231.

And whereas by the Cork Harbour Order confirmed by the Pier and Harbour Orders Confirmation Act 1871 (No. 2) (in this Act called "the Order of 1871") the powers of the Commissioners were in various respects altered:

And whereas by the Cork Harbour Act 1875 herein-after called "the Act of 1875" it was enacted that from the commencement of the said Act the Commissioners should be deemed to be and have all the powers of a body corporate for all purposes under the name of "the Cork Harbour Commissioners" and should have perpetual succession and a common seal:

And whereas by the Act of 1875 the Commissioners were authorised to make a deep-water quay on the south or right bank 38 and 39 Vict. cap. 38.

A.D. 1883.

of the River Lee and other works in connexion therewith and to levy rates for the use of the said deep-water quay or of so much thereof as should be constructed by them and for any other deep-water quay which had been or should be thereafter constructed by them in the said port harbour or river not exceeding the several rates mentioned in the Third Schedule thereto annexed except at Queenstown as therein set forth and by the Cork Harbour Act 1877 herein-after called "the Act of 1877" the Commissioners were authorised to make an extension of Penrose Quay in the borough of Cork as a deep-water quay and also to make works in connexion therewith:

And whereas the Commissioners erected a portion of the quay authorised by the Act of 1875 and have practically completed the said quay authorised by the Act of 1877 and have expended large sums of money in widening deepening and improving the harbour of Cork purchasing and extinguishing certain dues on coal and for their general purposes to which money borrowed was properly applicable and have largely improved the channel between Passage and Cork, and the said port harbour and river:

And whereas it is anticipated that the income of the Commissioners available for continuing and maintaining the improvement and conservancy of the port will be insufficient for that purpose and it is expedient that further powers be conferred upon the Commissioners with respect to the levying of dues rates and charges and otherwise as in this Act expressed:

And whereas it is expedient that the exemption from rates of deep-water quays at Queenstown under the Act of 1875 and the Third Schedule thereto should be altered and that the Commissioners should be empowered to levy certain charges in respect of the use thereof:

And whereas it is expedient that the Commissioners and the mayor aldermen and burgesses of the borough of Cork herein-after called the corporation should be authorised to enter into agreements with reference to the maintenance and cost of maintenance of the opening portion of the bridge in the Cork Improvement Act 1875 called the New Anglesea Bridge as in this Act provided:

And whereas it is expedient that other provisions should be made as in this Act contained:

And whereas the objects aforesaid cannot be attained 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:—

A.D. 1883.

Commencement of Act.

1. This Act shall commence and take effect on its passing which date is in this Act referred to as the commencement of this Act.

Short titles of Acts.

2. The Act of 1820 may be cited for all purposes as the Cork Harbour Act 1820 this Act may be cited for all purposes as the Cork Harbour Act 1883 and the Acts of 1820, 1866, 1875, and 1877 and this Act (including the Order of 1871) may be cited collectively as the Cork Harbour Acts 1820 to 1883.

Incorporation of provisions of general Acts.

3. The following provisions of the Acts herein-after mentioned (except where and as expressly varied by or inconsistent with this Act) are incorporated with and form part of this Act viz.

The provisions of the Commissioners Clauses Act 1847 with respect to mortgages to be executed by the Commissioners and sections 51 and 52 of that Act.

The provisions of the Harbours Docks and Piers Clauses Act 1847.

"With respect to the rates to be taken by the undertakers" (except sections 25 and 26).

"With respect to the collection and recovery of rates" (except section 47).

"With respect to the accounts to be kept of rates and of the vessels in respect of which they are payable."

"With respect to access to the special Act."

And with respect to section 28 of the Harbours Docks and Piers Clauses Act 1847 nothing in this Act contained shall be deemed to exempt from rates dues or duties the vessels (whether carrying mails or not) charged with or liable to rates dues or duties under this Act or any Act relating to the Commissioners.

And with respect to section 35 of the said Act the report thereby required from the master of a steam vessel may in the case of steam vessels going to or coming from any American port be made by the agent at Cork or Queenstown of the owner of such steam vessel.

And with respect to section 50 of the said Act the time to be allowed for sending a copy of the account therein mentioned shall instead of one month be three months. And the said account shall be audited and certified by the auditor appointed under the Act of 1877 instead of by the clerk or secretary of the Commissioners.

Interpretation.

4. In and for the purposes of this Act—

The expression "the former Acts" means the Acts of 1820, 1866, 1875, and 1877, and includes the Order of 1871.

Terms to which meanings are assigned by any of the former Acts or by the Acts wholly or partially incorporated therewith or with this Act have the same respective meanings unless there be something in the subject or context repugnant to or inconsistent with such construction.

A.D. 1883.

The word "port" means the port harbour and river of Cork within the present limits thereof and the quays piers and landing places therein and includes all places within the jurisdiction of the Commissioners.

The term "harbour master" includes all harbour masters and deputy harbour masters for the time being appointed by the Commissioners.

The term "deep-water quay" means any quay pier or jetty now or hereafter made or maintained by the Commissioners at which any vessel drawing eighteen feet of water may lie afloat at all times of the tide.

The term "owner" when used in relation to any vessels shall extend to and include the owner or charterer or his agent and consignee.

The term "the United Kingdom" shall mean the United Kingdom of Great Britain and Ireland including the Isle of Man and the Channel Islands. The term "the corporation" means the mayor aldermen and burgesses of the borough of Cork.

In the provisions of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act and the former Acts the expression "the harbour dock or pier" shall mean and include the port harbour and river of Cork and the expression "special Act" shall mean and include the Act or Acts with which the said provisions are respectively incorporated and "the undertakers" means the Commissioners.

Alteration of tonnage dues.

5. On and from the commencement of this Act section five of the Act of 1866 and the schedule to that Act shall be repealed and the dues or rates thereby authorised to be levied in respect of vessels shall cease and instead thereof the Commissioners may subject to the provisions of this Act demand and take in respect of all vessels entering or using the port any dues not exceeding those specified in the First Schedule to this Act annexed and the tonnage dues by this Act authorised shall be paid by the owner or master of the vessel.

Rates on coal and culm.

6. On and from the commencement of this Act the twenty-fourth section of the Act of 1877 is hereby repealed and the rate or due upon coal thereby authorised to be raised or levied shall cease and instead thereof the Commissioners may in addition to the rates and duties payable to them in respect of goods wares merchandise and commodities demand receive and take a rate or due not exceeding threepence per ton upon every ton of coal or culm imported in any vessel and unshipped within the port and such rate or due shall be paid by the owner or master of the vessel in or from which such coal or culm shall be so imported or unshipped or by the owner or consignee of such coal or culm.

A.D. 1883.

Rates for use of deep-water quay.

7. On and from the commencement of this Act section eighteen of the Act of 1875 and the Third Schedule to that Act and so much of section ten of the Act of 1875 and so much of section thirteen of the Act of 1877 as relates to the payment of rates for the use of deep-water quays shall be and the same respectively are hereby repealed and the Commissioners in lieu of the rates thereby authorised may demand and take for the use of any deep-water quay as defined by this Act or for the use of so much thereof as shall from time to time be fit for use such rates as the Commissioners shall from time to time appoint not exceeding the several rates mentioned in the Second Schedule to this Act which shall be payable in the manner therein specified. Provided that a vessel which does not load or unload merchandise or cargo within the port (other than mails or passengers or passengers luggage or provisions or coals to be used for the purposes of the voyage or goods for consumption wholly at Queenstown) shall be exempt from rates under this section and the said Second Schedule, but any such vessel shall not be entitled to use any deep-water quay otherwise than for such time and in such manner as may be defined by any byelaw of the Commissioners approved by the Board of Trade. Provided also that no vessel drawing less than eighteen feet of water moored or lying at or to or alongside or otherwise using the portion of quay in the borough of Cork allocated under the provisions of the Great Southern and Western Railway Act 1876 for the use of the Great Southern and Western Railway Company shall be liable to the rates for the use of a deep-water quay under this section and the said Second Schedule if such vessel be exclusively laden or to be laden with coals iron or other goods the property of or for the use of the said Company and to be landed on the said quay or shipped thereat.

Transhipment.

8. When any vessel not being a coasting vessel as defined in the First Schedule to this Act shall within the port tranship her entire cargo for conveyance to its original destination into another vessel owned by the owners of the discharging vessel the tonnage due not exceeding one shilling per register ton by this Act authorised shall be paid in respect of the discharging vessel and not in respect of the receiving vessel and for the purpose of this section a vessel shall be deemed to be owned by the owners of the discharging vessel which shall have been chartered by them otherwise than for the purpose of such transhipment.

And in every such case of transhipment the receiving vessel shall be subject to a tonnage due not exceeding one halfpenny per register ton. If the receiving vessel be not owned by the owners of the discharging vessel or if she be chartered by them for the purpose of such transhipment or if the transhipment be not for conveyance to

A.D. 1883.

the original destination of the cargo then and in every such case both vessels shall be liable to the tonnage due of not exceeding one shilling per register ton by this Act authorised.

Tonnage due where part of cargo discharged or shipped by foreign vessel.

9. (1.) Where a vessel not being a coasting vessel as defined in the First Schedule to this Act and not being of less tonnage than eight hundred tons register discharges a portion not exceeding one third of her entire cargo without shipping any cargo within the port or ships a portion not exceeding one third of her entire cargo without discharging any cargo within the port such vessel shall be subject to a tonnage due of one halfpenny per register ton instead of the tonnage due of not exceeding one shilling per register ton by this Act authorised and shall also be subject to a tonnage due of not exceeding one shilling in respect of every ton weight of cargo which she shall discharge or ship as the case may be.

And if any such vessel become liable to a rate for the use of a deep-water quay she shall pay that rate in respect of the number of tons weight of cargo which she shall discharge or ship as the case may be. Provided that in respect of any vessel which is subject to the said tonnage due of not exceeding one shilling per ton of cargo discharged or shipped as in this section provided the Commissioners shall repay or allow to the owner master or agent of such vessel one halfpenny for every ton weight of cargo so discharged or shipped.

As to foreign vessels discharging and loading part of cargo.

(2.) Where a vessel not being a coasting vessel as defined in the First Schedule to this Act and not being of less tonnage than eight hundred tons register discharges a portion not exceeding one third of her entire cargo within the port and also ships a portion not exceeding one third of her entire cargo within the port she shall be subject to a tonnage due of one halfpenny per register ton instead of the tonnage due of not exceeding one shilling per register ton by this Act authorised and shall also be subject to a tonnage due of not exceeding one shilling in respect of every ton weight of cargo which she shall discharge and ship respectively and if any such vessel shall become liable to a rate for the use of a deep-water quay she shall pay that rate in respect of the number of tons weight of cargo which she shall discharge and ship respectively Provided that in respect of any vessel which is subject to the said tonnage due of not exceeding one shilling per ton of cargo discharged and shipped as in this section provided the Commissioners shall repay or allow to the owner master or agent of such vessel one halfpenny for every ton weight of cargo discharged and shipped.

(3.) Provided also that any such vessel shipping within the port cargo for discharge at a port or place or ports or places within the United Kingdom or discharging within the port (before proceeding to a foreign port) any cargo shipped at any port or place in the United Kingdom shall in addition to the tonnage dues to which she

will become liable under this section be liable as a coasting vessel to the tonnage due on coasting vessels by this Act authorised. But no such vessel shall under this section be charged more in respect of tonnage dues than one shilling per register ton on her whole register tonnage nor more in respect of using a deep-water quay for the first period of fourteen days than fourpence per register ton on her whole register tonnage and in the case of any such vessel the Commissioners may (if they think fit) remit the said tonnage due of one halfpenny per register ton. Provided also that nothing in this section shall alter or affect the right of the Commissioners to levy rates and duties in respect of the export or import of goods wares merchandise or commodities from or to the port.

(4.) Before any goods are shipped on or discharged from any such vessel the master of the vessel shall in addition to any information which he may be required to give under the provisions of the Harbours Docks and Piers Clauses Act 1847 deliver to the collector of rates sufficient particulars as to the nature and quantity of the cargo (if any) contained in such vessel and of the capacity of the vessel for the transport of cargo to enable the collector of rates to ascertain the payments to be made in respect of such vessel under this section.

Charges on vessels using the inland navigation.

10. On and after the commencement of this Act the Commissioners may make in respect of the vessels specified in the Third Schedule to this Act charges not exceeding those specified in the said schedule which shall be paid by the owner or master of the vessel Provided that no vessel shall be liable under this section and the said Third Schedule to be charged in any one year at any higher rate than four shillings per register ton.

Charges for use of cranes, weighing-machines, &c.

11. The Commissioners may demand and take for the use of any cranes or weighing machines specially appointed by them for use by the public in respect of goods wares or merchandise landed or shipped within the port such reasonable charges as shall from time to time be fixed by them and such charges shall be paid by the persons requiring the use of the same.

Repeal, &c., of rates not to affect powers of Commissioners to levy other rates.

12. Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away lessen prejudice or affect the powers of the Commissioners to levy collect or recover any rates dues or sums of money leviable or due at the commencement of this Act but the same may be levied collected and recovered in the same manner and subject to the same conditions as if this Act had not been passed.

Provisions of recited Acts

13. Such of the powers and provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the rates to be taken by

A.D. 1883.

as to rates, &c., to apply to rates under this Act, and vice versâ.

the undertakers and with respect to the collection and recovery of rates as are incorporated with this Act and all other powers and provisions in this Act contained with respect to the same matters and (subject to the powers and provisions of this Act) such of the powers and provisions contained in the former Acts with respect to the same matters and with respect to the keeping and auditing accounts of rates as have not been or are not by this Act repealed shall be applicable alike to all rates dues or tolls authorised to be taken by the Commissioners whether under any of the former Acts or this Act.

Commissioners may make agreements respecting dues or rates in certain cases.

14. The Commissioners on the one hand and any owner or master of or agent for any vessel trading to or from the port or any person or persons interested in goods merchandise or cargo carried by any such vessel may from time to time enter into and carry into effect vary and rescind agreements or arrangements with respect to the exempting from any dues or rates or portions of dues or rates payable to the Commissioners any vessel coming from any particular place or district or for compounding for altering or varying such dues or rates and with respect to the amount mode of calculation payment or time of payment of such dues and rates or with respect to returning any such rates or dues in part or whole Provided always that in case the Commissioners shall at any time make any such agreement or arrangement the owner or master of or agent for any vessel engaged in like manner shall be entitled (the circumstances being the same) to require the Commissioners to enter into a like agreement or arrangement with him or them upon the same terms to the intent that no agreement or arrangement shall be made by the Commissioners under this provision partially or in favour of any particular person vessel or cargo.

Application of income.

15. All money received by the Commissioners from tolls rates or dues leviable under this Act shall be applied in the same manner and to the same purposes as the moneys received by them from tolls rates and dues under the former Acts.

Every mortgage comprising any due or rate the power to levy which is repealed by this Act shall be deemed to comprise the due or rate substituted for the same by this Act and subject thereto the powers of the Commissioners to mortgage any such repealed due or rate shall extend to and comprise the due or rate so substituted.

As to proof of publication of tolls.

16. In any proceedings for the recovery of rates dues and tolls it shall not be necessary for the Commissioners to prove (notwithstanding anything in any of the former Acts) that their list of rates dues and tolls was published otherwise than by being affixed and set up at or within the Ballast Office of the Commissioners nearest to

the place where the liability was incurred to the rate due or toll sought to be recovered.

Vessels may be detained until permit received from collector of rates.

17. The harbour-master may prevent any vessel from leaving the port until he shall have received from the collector of rates a permit showing that all rates due to the Commissioners in respect of such vessel have been duly paid.

Removal of wrecks, &c.

18. Where any vessel is sunk stranded or abandoned or any timber or other matter or thing shall be found floating or submerged in any part of the port or in or near any approach thereto in such manner as in the opinion of the Commissioners to be or to be likely to become an obstruction or danger to the navigation in the port or any part thereof or in any approach thereto the Commissioners may take possession of and raise remove or destroy the whole or any part of the vessel or timber or other matter or thing and may light and buoy any such vessel or any part thereof or timber matter or thing until the raising removal or destruction thereof and the expense of raising or destroying and removing such vessel or any part thereof or timber or other matter or thing and of buoying and lighting the same shall be repaid by the owner of the same to the Commissioners and the Commissioners may sell in such manner as they may think fit any such vessel or any part thereof or any such timber matter or thing so raised or removed and also any other property recovered in the exercise of their powers under this section and may out of the proceeds of such sale in so far as the same may extend reimburse themselves in part or whole for the expenses incurred by them under this section and if the proceeds be insufficient the owner shall pay the deficiency to the Commissioners but if there be any surplus the Commissioners shall hold the same in trust for the persons entitled thereto and the provisions of this section shall apply to every article and thing or collection of things being or forming part of the tackle equipments cargo stores or ballast or substance of the vessel raised removed or destroyed in the same manner as if it were included in the term vessel and for the purposes of this section any proceeds of sale arising from a vessel or part thereof and the cargo thereof or any other property recovered therefrom shall be regarded as a common fund but the Commissioners shall not be bound to resort to such vessel or part timber matter or thing for any expenses of raising removing or destroying or buoying or lighting the same but may at their option require and recover payment of all such expenses from the owner and such owner shall be bound to pay them the same.

Leases of land, &c.

19. The Commissioners may from time to time grant building and other leases of any land belonging to them which shall not have

A.D. 1883.

been purchased by them otherwise than by agreement upon such terms and conditions as they may think fit or sell and dispose of the same if and so far as in the opinion of the Commissioners it may not be necessary to retain them for the purposes of the port Provided that all money received by the Commissioners for the sale of any such lands or any interest therein shall be applied by them in reduction of their debt or otherwise to purposes to which capital may be properly applied by them and the net rents received under and by virtue of such leases shall be applied as if the same formed part of the income of the Commissioners derived from rates and dues.

Confirming construction of works at Queenstown.

20. The construction by the Commissioners of the works at Queenstown referred to in the Act of 1877 and the Great Southern and Western Railway Act 1878 and the agreement scheduled thereto is hereby confirmed and authorised notwithstanding that part thereof may not have been completed within the time limited for that purpose by the said Acts.

Commissioners may appoint river and dock constables.

21. For the security and protection of the trade and shipping resorting to the port the Commissioners may from time to time appoint so many port quay and river constables as they shall deem necessary or expedient and may from time to time determine the rank description and emoluments of the constables so to be employed; and every such constable having been duly sworn before a justice of the peace of the borough of Cork or of the county of Cork to execute the office of a constable within the port shall have the same powers protections and privileges within the port and shall be subject to the same liabilities as constables have or are subject to by the laws of the realm.

Dismissal of constables.

22. The Commissioners in the event of misconduct or neglect of duty by any constable appointed by them may impose upon such constable a fine not exceeding five pounds for every offence; and the Commissioners may at their absolute discretion remove suspend or dismiss from his office any constable; and upon such removal or dismissal all powers protections and privileges vested in such constable shall cease.

Offenders may be apprehended.

23. Any constable appointed by the Commissioners may by virtue of this Act and without a warrant detain and apprehend within the limits of the port any person injuring the warehouses quays works or property of the Commissioners or any of the public quays of the port or any part thereof respectively or anything therein or thereon respectively or any vessel within the port or lying at or near the quays or the cargo thereof or any portion thereof and likewise any person offending against the provisions of this Act or

any other Act relating to the Commissioners and such constable as soon as conveniently may be after apprehending any person who shall have committed any such injury or offence as aforesaid shall convey such person before a justice to be examined and dealt with according to law. If and whilst engaged in the pursuit of any person who shall have committed any such injury or offence as aforesaid every constable appointed by the Commissioners shall have but only for such purposes the like powers protections and privileges beyond the limits of the port and quays respectively which he possessed whilst acting within those limits.

Byelaws may be made by the Commissioners.

24. The Commissioners may from time to time subject to the provisions of this Act make and alter byelaws or regulations for all or any of the following purposes:

For regulating the appointment removal and remuneration of the port quay and river constables and the numbers and proportions of such constables respectively to be appointed and maintained

For defining the duties and for prescribing the functions of all such constables in upon or about the port quays river and works and

For all such other purposes as may be necessary or expedient in relation to the matters aforesaid or any of them.

But no such byelaw shall have any force or effect until it has been approved by the Board of Trade.

Duties of constables.

25. The constables appointed by the Commissioners when required to do so shall aid in giving effect to the orders of the harbour-master and shall if and when required to do so apprehend and carry before the nearest convenient justice all persons offending against the reasonable and lawful commands of such harbour-master acting in the execution of his duty or any person offending against any byelaws from time to time made by the Commissioners under the provisions of this Act or any Acts relating to the Commissioners and sanctioned by the Board of Trade when any such byelaw or regulation contains a provision that offenders are to be arrested.

Breaking or destroying the walls, quays, &c.

26. If any person wilfully destroys or injures any part of the walls or quays within the port or any works or property of the Commissioners or injures any of the sheds buildings cranes windlasses posts rings or other conveniences which are placed in and upon such walls or quays for the use and convenience of shipping or boats every such person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

Persons convicted of doing damage shall

27. When any person shall be convicted of doing damage to any of the quays or walls within the port or to any of the works and conveniences upon or about the same or to any other works or

A.D. 1883.

pay the amount when ascertained.

property of the Commissioners the Commissioners may either before or after such conviction direct their engineer or other competent authority or authorities to view the injury so done and report what sum of money will be required to make good and repair such injury and the Commissioners may in addition to any penalty inflicted on him demand from the person so convicted the sum stated in such report and in case the same shall not be immediately paid the amount thereof shall or may be recovered from such person.

Vessels doing damage to quays may be detained.

28. In case any injury to the walls or quays within the port or to any of the works and conveniences in and upon the same be caused by any vessel whose continuance in the port may be uncertain any person duly authorised by the Commissioners may detain such vessel and prevent her from sailing until satisfaction is made for such injury or until sufficient security has been given to the Commissioners for the appearance of the owner of the said vessel in any suit or proceeding which may be instituted by the Commissioners with reference thereto.

Persons damaging wails, or taking away clay, sand, &c., may be arrested and punished.

29. Any person who shall break or damage any quay wall embankment or defence of or appertaining to the port or any part thereof or who shall take away or remove any of the materials of what kind soever of which such quay wall embankment or defence is composed or who shall take up any sand stones or clay from the strand within fifty feet of such quay wall embankment or defence or who shall take away any materials laid on such quay wall embankment or defence for the purpose of repairing the same upon conviction of any of the foregoing offences shall be liable for every such offence to a penalty not exceeding five pounds.

Commissioners and corporation may agree as to maintenance and cost of maintenance of portion of Anglesea Bridge.

30. Notwithstanding anything in the Cork Improvement Act 1875 contained with reference to the opening portion of the bridge therein called the New Anglesea Bridge the Commissioners and the corporation may if they think fit from time to time enter into and carry into effect agreements with reference to the maintenance and repairs thereof and with reference to the payment of the costs and expenses thereof or any part thereof.

Commissioners not to be affected by notice of trusts.

31. No notice of any trust express implied or constructive shall be entered in any register of or be receivable by the Commissioners in relation to any consolidated stock mortgage or bond or other security nor shall they be effected by express or constructive notice of any such trust although the same be contained in any document registered by them or tendered to them for registration.

As to proof of publication of byelaws.

32. In any proceedings for recovery of any penalty or for punishment of any person on account of any act done or omitted to be done or any offence committed contrary to any byelaw the Com-

missioners shall notwithstanding anything contained in any of the former Acts be bound only to prove that the byelaw in respect of which the proceedings are taken was affixed and set up at or within the Ballast Office of the Commissioners nearest to the place where the act omission or offence occurred in respect of which the proceedings are taken and shall not be bound to prove publication of such byelaw in any other place.

Power to make byelaws conferred by this Act to be in addition to existing powers.

33. Notwithstanding anything in the Harbours Docks and Piers Clauses Act 1847 contained all byelaws made by the Commissioners under this Act or any of the former Acts shall be made printed and affixed according to the provisions contained in the thirteenth section of the Act of 1820 with respect to the making of byelaws and shall be so printed and affixed at Queenstown as well as at Cork.

Recovery of penalties, rates, &c.

34. All penalties imposed by or under the powers of this Act or by any byelaws of the Commissioners made under the Cork Improvement Act 1875 and all rates dues tolls and charges recoverable under this Act may be respectively recovered by the Commissioners in the same manner as penalties dues rates and tolls are respectively recoverable by them under the former Acts and all such penalties when recovered shall be applied in the same manner as penalties fines and forfeitures are directed to be applied by the Act of 1820.

Recovery of money due.

35. If any person refuses or neglects to pay to the Commissioners any rate or sum due to them under this Act or under the former Acts or any of them they may recover the same with costs in any court of competent jurisdiction and their remedy under the present section shall be in addition to their other remedies for the recovery thereof.

Relief may be granted to persons injured.

36. The Commissioners may if they shall think fit contribute towards the relief of men and officers disabled or injured in the service of the Commissioners and their widows and families but nothing in this section shall be deemed to make it compulsory on them so to do.

Election of Commissioners to represent lower or seaward part of the port.

37. Whereas a Bill was introduced into Parliament in the present session under the title of the Queenstown Port and Harbour Bill by which it was proposed amongst other things to constitute part of the port and harbour of Cork a separate port and harbour under the title of the Port and Harbour of Queenstown with a separate port and harbour board and it has been agreed between the promoters of that Bill and the Commissioners that the said Bill should be withdrawn on provision being made as in this Act contained for securing

A.D. 1883.

the appointment of persons to be Harbour Commissioners from the lower or seaward portion of the harbour.

Be it therefore enacted as follows:—

Additional Commissioners.

(*a.*) From and after the passing of this Act there shall be three Commissioners to be appointed and qualified as in this Act provided and James William Scott Walter James Cummins and Nicholas George Seymour all of Queenstown shall be the first of such Commissioners and shall have the same power and authority in all respects as the other Commissioners.

Qualification of additional Commissioners.

(*b.*) Every person of full age fulfilling the following conditions and no other person shall be qualified to be appointed a Commissioner under the provisions of this Act (that is to say)

Being a merchant shipowner or ship agent qualified in other respects as provided by the Cork Harbour Act 1820 (sec. 10) and not being a member of the council of the corporation. And also being resident and having a place of business within the following boundary viz. an imaginary line drawn straight from Ringabella House Ringabella Bay to the Roman Catholic Church at Carrigaline thence to Rockenham House Horsehead thence to the round tower at Cloyne and thence to Power Head.

Election and retirement of additional Commissioners.

(*c.*) Subject to the provisions in this Act hereafter contained as to the reduction of the total number of Commissioners the following provisions shall have effect as to the election and retirement of the Commissioners appointed under the provisions of this Act.

(1.) On the second Tuesday in June 1885 or on some other day not more than ten days therefrom to be appointed by the council of the corporation one of the Commissioners named in this Act to be determined by agreement amongst themselves or failing agreement to be determined by lots drawn at a meeting of the Commissioners shall go out of office.

(2.) On the second Tuesday in June 1887 or some other day not more than ten days therefrom to be appointed as aforesaid another of the said Commissioners named in this Act to be determined in like manner shall go out of office.

(3.) And on the second Tuesday in June 1889 or some other day not more than ten days therefrom the remaining one of the said Commissioners named in this Act shall go out of office.

(4.) On the second Tuesday in June 1891 or some other day not more than ten days therefrom to be appointed by the

council of the corporation and so on in every second year the Commissioner appointed under the provisions of this Act who shall have been longest in office shall go out of office.

(5.) On the second Tuesday in June 1885 or some other day not more than ten days therefrom and so on in every second year the council of the corporation shall elect some person qualified as in this Act provided to be a Commissioner in place of the Commissioner going out of office on that day under the provisions of this Act.

Provided that any Commissioner going out of office under the provisions of this Act shall unless disqualified be capable of re-election.

Occasional vacancies.

(*d.*) If any Commissioner appointed under the provisions of this Act refuse to accept office or die or resign or become disqualified or incompetent to act or ceases to be a member from any cause other than that of going out of office in regular course the council of the corporation shall as soon as may be thereafter elect a person duly qualified in his stead and in every case the Commissioner so substituted shall continue in office for the same period that the Commissioner in whose place he is elected would in ordinary course have continued when he shall go out of office but shall be eligible for re-election.

Reduction of total number of Commissioners.

(*e.*) From and after the passing of this Act if any Commissioner appointed under the provisions of the Act of 1820 other than an ex-officio member or a member of the common council die or resign or going out of office in regular course does not seek re-election or is not re-elected by the council of the corporation then and in every such case the vacancy thereby caused shall not be filled up until the number of Commissioners appointed under the Act of 1820 other than ex-officio members and members of the council is reduced to twenty-two so that the total number of Commissioners shall thenceforth be the same as before the passing of this Act and thereupon the three Commissioners appointed under the provisions of this Act shall be subject to the same provisions as to retirement from office rotation and re-election as the Commissioners appointed under the Act of 1820 and shall in every respect be as if they were appointed under that Act but so that there shall always be three Commissioners other than ex-officio members or members of the council qualified as by this Act provided.

Election of annual chairman.

38. At the meeting of the Commissioners to be holden on the first Wednesday in November in each year they shall by the majority of the Commissioners present and voting at such meeting elect one of

A.D. 1883.

their body not being a member of the corporation to be their chairman until the same day in the following year when and on the same day in every subsequent year the Commissioners shall in like manner elect one of their body not being a member of the corporation to be their chairman for the ensuing year and in case the chairman die or resign or cease to be a Commissioner or become a member of the corporation or otherwise disqualified to act as such the Commissioners present at the meeting next after the occurrence of such vacancy shall choose some other of their body not being disqualified as aforesaid to fill such vacancy and the chairman so elected shall continue in office so long only as the person in whose place he was elected would have been entitled to continue chairman and if at any meeting of the Commissioners the chairman be not present one of the Commissioners present whether a member of the corporation or not shall be elected chairman of such meeting by the majority of the Commissioners present at such meeting.

Powers of Act not to be in substitution for existing powers.

39. Except as by this Act expressly provided all powers conferred on the Commissioners or their officers under this Act shall be deemed to be in extension of or addition to and not in substitution for any powers already subsisting.

Reserving Merchant Shipping and general Acts.

40. Except as by this Act expressly provided nothing in this Act contained shall exempt the port or the works at or connected therewith or the Commissioners from the provisions of the Merchant Shipping Act or of any general Act relating to harbours or to dues on shipping or on goods carried in ships now in force or which may be passed during the present or any future session of Parliament or from any future revision and alteration under the authority of Parliament of the rates authorised by this Act.

Costs of Act.

41. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners.

THE FIRST SCHEDULE.

Tonnage Dues.

	s.	d.
(*a.*) Coasting vessels:—For every register ton of the admeasurement of every coasting vessel (except colliers and except as hereinafter specified) for each time of entering the port of Cork from any other port or place in the United Kingdom and shipping or unshipping any merchandise or cargo at the port of Cork a sum not exceeding per register ton - - - - - - - -	0	4

"Coasting vessel" for the purposes of this schedule means and includes every vessel entering the port from any port or place in the United Kingdom either in ballast or having merchandise or cargo on board the whole of which has been shipped at a port or place or ports or places in the United Kingdom and not proceeding thence to a port or place out of the United Kingdom.

(*b.*) Other vessels:—For every register ton of the admeasurement of every vessel other than a coasting vessel (subject to the provisions of this Act and except as herein-after excepted) for each time of entering the port of Cork and shipping or unshipping any merchandise or cargo at the port of Cork or in ballast a sum not exceeding per register ton - - - - - -	1	0

Exceptions.

(*c.*) For every register ton of the admeasurement of every vessel entering the port of Cork from any port or place either in or out of the United Kingdom not being a vessel in ballast and not shipping or unshipping in the port any merchandise or cargo other than mails passengers or passengers luggage or provisions or coals to be used for the purpose of the voyage a sum not exceeding per register ton	0	$0\frac{1}{2}$

Any such last-mentioned vessel having paid tonnage dues in respect of an outward voyage shall be entitled to enter and leave the port of Cork on her homeward voyage without further payment in respect of tonnage dues provided such vessel do not remain in the said port on either outward or homeward voyage more than twenty-four hours and do not ship or unship any merchandise or any cargo other than mails passengers or passengers luggage or provisions or coals to be used for the purposes of the voyage. And in calculating the said periods of twenty-four hours no part of Sunday shall be reckoned.

	s.	d.
(*d.*) For every register ton of the admeasurement of every collier entering the port and shipping or unshipping any cargo therein a sum not exceeding per register ton - - - - - -	0	3

"Collier" for the purposes of this schedule means and includes any vessel the whole of whose cargo consists of coal or culm, and which vessel shall arrive from a port or place in the United Kingdom.

A.D. 1883.

	s.	d.
(*e.*) For every register ton of the admeasurement of every vessel entering the port of Cork from any port or place out of the United Kingdom being in distress and damaged and obliged in consequence thereof to discharge and discharging her cargo or any portion thereof in the port in order to enable such repairs to be effected upon her as may be necessary to enable her to proceed to her original destination with her cargo and receiving such repairs in the port and re-shipping all cargo discharged except such portion (if any) as may be unfit for re-shipment and proceeding from the port with her cargo for her original destination a sum not exceeding per register ton - -	0	3
(*f.*) For every register ton of the admeasurement of every vessel at the time being engaged or employed in sea-fishing or to carry fish and entering the port laden exclusively with fish taken or shipped at sea not more than thirty miles from the coast of Ireland and not arriving from any port or place distant more than thirty miles from the coast of Ireland for each time of entering the port a sum not exceeding per register ton - - - - - - -	0	4

Regulations.

1. If a vessel having paid or become liable to dues inwards as a coasting vessel or collier shall sail with cargo to any port or place out of the United Kingdom the difference between the dues inwards payable in respect of such vessel as a coasting vessel or collier and the dues which would have been payable in respect of such vessel had she been neither a coasting vessel or collier shall be charged in addition to the dues inwards paid by or to which such vessel became liable on entering the port.

2. Any vessel sailing from the port and putting back by stress of weather without having accomplished her voyage shall not be liable to dues for such return.

3. The dues on vessels inwards shall be payable within twelve hours after the arrival of the vessel in the port and on vessels coming under the first of these regulations before departure and the harbour-master is authorised and required to refuse to allow any vessel to leave the port until he receive from the collector of rates a permit showing that all dues and rates due in respect of the vessel have been paid.

4. Pleasure boats and yachts not carrying goods or passengers for hire are exempt from dues under this schedule.

THE SECOND SCHEDULE.

Rates for the use of Deep-Water Quays.

	s.	d.
(*a.*) Coasting vessels:—For every register ton of the admeasurement of every coasting vessel using any deep-water quay for the first period of fourteen days of twenty-four hours each or any portion of any such period a sum not exceeding per register ton - -	0	3

	s.	*d.*
(*b.*) Other vessels:—For every register ton of the admeasurement of every other vessel using any deep-water quay:—		
For the first period of fourteen days of twenty-four hours each or any part of such period a sum not exceeding per register ton - -	0	4
For every register ton of the admeasurement of every such vessel (classes *a* and *b*) using any deep-water quay after the expiration of such period of fourteen days for each day of twenty-four hours or portion of such day a sum not exceeding per register ton - -	0	1

Sundays Christmas Day and Good Friday to be excepted in reckoning such periods of fourteen days and twenty-four hours.

And for the purposes of this schedule "coasting vessel" has the same meaning as in the First Schedule.

For the purposes of this schedule every vessel shall be deemed to use a deep-water quay if she be moored or lying to or alongside of any deep-water quay or otherwise use the same or be moored or lying to or alongside of any vessel or vessels at the time being moored or lying to or alongside of or otherwise using such quay.

Vessels whose cargo shall be landed at any deep-water quay at Queenstown for consumption wholly at Queenstown and also vessels exclusively laden or to be laden with coals iron or other goods the property of and for the use of the Great Southern and Western Railway Company shipped or unshipped at or on the deep-water quay next their station at Queenstown shall be exempt from rates under this schedule.

The rates mentioned in this schedule shall be paid by the owner or master of the vessel.

THE THIRD SCHEDULE.

Rates on Vessels plying within the Port.

	s.	*d.*
(Class 1.) For every register ton of the admeasurement of every tug propelled wholly or in part by steam employed for hire in any part within the limits of the port for each year during or in any part of which it shall be so employed a sum not exceeding per register ton - - - - - - - - -	4	0
(Class 2.) For every register ton of the admeasurement of every vessel carrying goods or passengers or both and propelled wholly or in part by steam (lighters propelled by steam excepted) plying within the limits of the port for each year during or in any part of which it shall be so employed a sum not exceeding per register ton - -	2	6
(Class 3.) For every register ton of the admeasurement of every lighter or vessel whether propelled by steam or other power (other than such as are in this schedule above charged and except lighters or vessels belonging to the Commissioners) employed or plying in any part within the limits of the port for every year during or in any part of which it is so employed or plies a sum not exceeding per register ton - - - - - - - - -	1	0

A.D. 1883.

For the purposes of this schedule a year shall be deemed to commence on the 1st January and to terminate on the 31st December and any such tug or other vessel or lighter that shall be principally employed within the limits of the port but sometimes going southward of the limits aforesaid and returning without discharging or receiving cargo or passengers southward thereof shall be and be considered a tug or vessel or lighter for the purpose of being assessed and charged under this schedule.

Exemptions.

Coal hulks and store ships bonâ fide employed as such only or carrying coals to steamers for the purposes of the voyage only shall be exempt from any charges under this schedule.

Any private tender employed solely and regularly to carry mails or passengers or passengers luggage between Queenstown and the transatlantic steamers and not earning freight or gain thereby or used for any other purpose shall be exempt from any charges under this schedule.

London: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1883.