CHAPTER cxlii.

An Act for empowering the Londonderry Port and Harbour Commissioners to construct quays and other works; for conferring further powers on those Commissioners, and for other purposes. [24th July 1882.]

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WHEREAS by the Londonderry Port and Harbour Act, 1854 (in this Act called "the Act of 1854"), the Londonderry Port and Harbour Commissioners (in this Act called "the Commissioners"), were incorporated and were authorised to levy rates and execute the several works in that Act mentioned: 17 & 18 Vict. c. clxxvii.

And whereas by the Londonderry Port and Harbour Act, 1874 (in this Act called "the Act of 1874"), further powers were conferred upon the Commissioners, and they were authorised to make and maintain the quays, embankment, training wall and other works in that Act mentioned: 37 & 38 Vict. c. xlix.

And whereas the Commissioners have constructed the quay on the northern shore of the River Foyle, in extension of the existing quays, and the fence by the Act of 1874 authorised, and are carrying out the dredging and deepening of the channel of Lough Foyle by that Act authorised:

And whereas the period for the completion of the works (other than the dredging and deepening works) by the Act of 1874 authorised has expired, and the Commissioners have been advised to abandon the construction of the training wall by that Act authorised, and also that the objects of and the accommodation intended to be afforded by the remaining unexecuted works by that Act authorised would be more effectually attained and provided by the construction of the more extensive works by this Act authorised, and it is expedient therefore that the Commissioners should be authorised to abandon the said training wall, and in substitution for the said remaining works by the Act of 1874 authorised (other than the

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dredging and deepening works) to make and maintain the quays and works by this Act authorised:

And whereas the pier, situate in Lough Foyle, at Carrickarory, in the townland of Carrownaff, in the parish of Upper Moville, and barony of Ennishowen, in the county of Donegal, was formerly vested in the grand jury of the county of Donegal, and was by them in the year one thousand eight hundred and sixty-two transferred to the Commissioners, and has been since that time repaired and maintained by the Commissioners:

And whereas doubts have arisen as to the validity of the said transfer, and it is expedient to confirm the said transfer and vest the said pier and the management and maintenance thereof in the Commissioners:

And whereas since the passing of the Act of 1854 the borough of Londonderry in that Act mentioned has been extended by

27 & 28 Vict. c. cxci.

the Londonderry Improvement Act, 1864, and doubts have arisen as to the qualification of occupiers of houses and lands within such extended area to be elected commissioners, and to vote at the election of commissioners, and it is expedient to remove such doubts:

And whereas by the Acts of 1854 and 1874 the Commissioners were authorised to borrow or raise by mortgage, or by the issue of consolidated stock, the sum of two hundred and thirty thousand pounds, and under the powers of those Acts the Commissioners have raised, and now owe, one hundred and fifty-five thousand nine hundred and thirty-four pounds or thereabouts, and it is expedient that they be authorised to raise and apply for the construction of the works by this Act authorised the residue of the said sum of two hundred and thirty thousand pounds:

10 & 11 Vict. c. 16.

And whereas by the Commissioners Clauses Act, 1847, as incorporated with the Act of 1854, it is amongst other things enacted (section 9) "that any person who at any time after his appoint-
" ment or election as a commissioner shall accept or continue to hold
" any office or place of profit under the Londonderry Port and
" Harbour Act, 1854, or be concerned or participate in any manner
" in any contract or in the profit thereof, or of any work to be
" done under the authority of the Londonderry Port and Harbour
" Act, 1854, shall thenceforth cease to be a commissioner, and his
" office shall thereupon become vacant," and (section 15) "that
" every person who shall act as a commissioner, being incapacitated
" or not duly qualified to act, or after having become disqualified,
" shall for every such offence be liable to a penalty of fifty pounds":

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And whereas certain persons, who have been elected as commissioners under the Act of 1854 and the Acts incorporated therewith, and who have acted as such, have after they were so elected and while they acted as such commissioners lent money to the Commissioners under the authority of the Acts of 1854 and 1874, and have taken and held bonds of the Commissioners executed under the authority of the said Acts, or one of them, as securities for the money borrowed by the Commissioners under their borrowing powers:

And whereas doubts have arisen as to the extent and meaning of the word "contract" in the said Commissioners Clauses Act, 1847, and as to whether it should be construed to include loans of money to the Commissioners, or bonds or other instruments executed by them for the security of such loans under the authority of the said Acts or either of them:

And whereas it is expedient that such doubts should be removed, and that persons elected and acting as commissioners should be at liberty to make loans to the Commissioners when borrowing in pursuance of the powers and authorities vested in them by the Acts of 1854 or 1874, or this Act or any Acts to be passed hereafter, notwithstanding the provisions of the Commissioners Clauses Act, 1847, herein-before referred to:

And whereas it would be for the advantage of the trade and shipping resorting to the port and harbour of Londonderry if the further powers in this Act contained were conferred upon the Commissioners:

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required, or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the Crown and peace for the city and county of Londonderry, and the clerk of the peace for the county of Donegal, and are in this Act respectively referred to as the deposited plans, sections, and books of reference:

And whereas the 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:

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Short title.

1. This Act may be cited as the Londonderry Port and Harbour Act, 1882, and the Londonderry Port and Harbour Act, 1854, and the Londonderry Port and Harbour Act, 1874, and this Act may be cited together as the Londonderry Port and Harbour Acts, 1854, 1874 and 1882; and, save as otherwise provided by this Act, the said Acts as each is respectively amended by any other of such Acts shall be read together and have effect and be executed as if they were one Act.

Incorporation of Acts.

2. The enactments incorporated with the Act of 1874, by sections 2 and 3 thereof, with the limitations and exceptions therein expressed, are (except where expressly varied by this Act) incorporated with and form part of this Act.

The following enactments (except where expressly varied by this Act) are also incorporated with and form part of this Act, that is to say:—

14 & 15 Vict. c. 70.
23 & 24 Vict. c. 97.
27 & 28 Vict. c. 71.
31 & 32 Vict. c. 70.

The Railways (Ireland) Acts, 1851, 1860 and 1864, and the Railways Traverse Act: Provided that for the purposes of such incorporation the word "railway" in the said Acts means the several works by this Act authorised, and the word "Company" in the said Acts means the Commissioners.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts, wholly or partially incorporated herewith, have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the Irish Society" means the Society of the Governor and Assistants London of the new Plantation in Ulster within the realm of Ireland;

The expressions "the port and harbour" or "the port" or "the harbour" mean the port and harbour of Londonderry, within the limits defined by the Act of 1854;

The expression "the city of Londonderry" means the city of Londonderry as extended and defined by the Londonderry Improvement Act, 1864;

The expressions "justice" or "justices" in the Act of 1874 shall, from and after the passing of this Act, have the respective meanings assigned to those expressions by the Harbours, Docks and Piers Clauses Act, 1847.

10 & 11 Vict. c. 27.

Abandonment of training wall.

4. The Commissioners may relinquish and abandon the construction of the training wall by the Act of 1874 authorised.

Compensation for damage to

5. The abandonment by the Commissioners, under the authority of this Act, of the training wall authorised by the Act of 1874, shall

not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Commissioners upon such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the lines of the works; or for any loss, damage or injury which may have been sustained by such owner or occupier by reason thereof; or of the exercise as regards such land of any of the powers contained in the Act of 1874.

Compensation to land by entry, &c., for purposes of work abandoned.

6. Where before the passing of this Act any contract has been entered into or notice given by the Commissioners for the purchasing of any land for the purposes of or in relation to the training wall authorised to be abandoned by this Act, the Commissioners shall be released from all liability to purchase or to complete the purchase of any such lands, but notwithstanding full compensation shall be made by the Commissioners to the owners and occupiers, or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice; and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation in respect of work abandoned.

8 & 9 Vict. c. 18.

7. Subject to the provisions of this Act the Commissioners may make and maintain in the lines or situations, and according to the levels shown on the deposited plans and sections, the works hereinafter described, with all necessary and convenient shipping places, wharves, depôts, offices, buildings, lighthouses, warehouses, sheds, toll-houses, staiths, landing-places, stages, quays, slips, gates, entrances, locks, cranes, hydraulic lifts, elevators, weighing machines, drops, dolphins, buoys, moorings, roads, approaches, tramways, rails, sewers, drains and other works and conveniences connected therewith; and may enter upon, take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose: Provided always that as regards the interests of the Irish Society in the lands shown on the deposited plans, and specified in the deposited books of reference or any of them, the Commissioners shall not exercise any compulsory powers of purchase: Provided that the Commissioners may, subject to the provisions of this Act, accept a grant from the Irish Society of any lands for the purpose of the works by this Act authorised, upon any terms and subject to any reservations, stipulations or

Power to construct works.

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agreements which may be agreed upon between them and the Irish Society.

Description of works.

8. The works herein-before referred to, and by this Act authorised, are :—

1. A quay at waterside, on the southern shore of the River Foyle, commencing at a point distant seventeen yards or thereabouts from the eastern side, near the southern end of Carlisle Bridge, over the River Foyle, and extending in a curved line for a distance of two hundred and forty-three yards, or thereabouts, in a north-easterly direction and terminating at the western end of the existing quays ;
2. A quay in extension of the existing quays on the northern shore of the River Foyle, commencing at the eastern termination of the existing quays belonging to the Commissioners, and extending in a north-easterly direction in a curved line for a distance of eight hundred and sixty-seven yards, or thereabouts, and terminating at a point thirty-three yards, or thereabouts, in a westerly direction from the entrance to the graving dock ;
3. The reclamation of a part of the waste lands and mud banks and slob on the northern side of the River Foyle, adjacent to the townland of Ballynashallog, already conveyed by the Irish Society by free grant to the Commissioners, so as to preserve the same for ship-building yards, stances, docks, timber ponds and other harbour purposes, and for that purpose to construct an embankment, commencing in the said townland at a point at high-water mark one hundred yards, or thereabouts, to the westward of the boundary wall between the property of Boom Hall and "The Farm," and extending thence for a distance of nine hundred and ten yards, or thereabouts, in a south-westerly direction, and terminating at the western March wall or fence of the property called "The Farm " ;
4. The widening of the navigable channel of the River Foyle, on the northern side thereof at Rosses' Bay, and for that purpose to dredge and deepen the bed of the said river, from a point sixty yards, or thereabouts, to the south of the Blackstone Beacon, on the northern shore of the river, near Boom Hall, and extending in a curved line for a length of one thousand one hundred yards, or thereabouts, in a westerly direction ;
5. The removal of the projecting angle of the gravel beach at and adjoining the point of Culmore, from a point eight yards, or

thereabouts, to the westward of the existing pier or ferry-boat quay at Culmore for a distance of one hundred and sixteen yards, or thereabouts, in a north-easterly direction, and the removal of the said pier or ferry-boat quay from its present site to a site thirty yards, or thereabouts, to the westward thereof;

6. The erection of a landing pier, commencing at high-water mark on the northern shore of Lough Foyle, at a point thirty yards, or thereabouts, westward of the centre of the Cabry river, where it joins the said high-water mark, and extending into Lough Foyle in a southerly direction for a distance of two hundred and forty-three yards, or thereabouts; and the making of an approach road thereto, commencing at the landward termination of the said pier, and extending in a westerly direction for a distance of one hundred and seventy yards, or thereabouts, and there joining the present lane or road leading from the village of Carrowkeel to the shore; and the widening and improving of such lane or road between the junction therewith of the said approach road and the main road at the village of Carrowkeel;
7. The erection of a landing pier at Moville, such pier to include within its area the present bridge and outer pier, and to extend beyond the seaward end of the said pier for a distance of fourteen yards, or thereabouts, in the same direction.

Provisions as to construction of certain works.

9. The following provisions shall be observed by and shall be binding upon the Commissioners in the construction of the works numbered 3, 4, 5, 6 and 7 in the preceding section specified:

As to Works No. 3.—The purposes (herein-before referred to as harbour purposes) for which the said waste lands, mud banks and slob may be reclaimed and preserved shall be such purposes as may be agreed upon from time to time between the Irish Society and the Commissioners, or failing agreement as to the meaning of the words "harbour purposes" as may be settled on the application of either of those bodies by the Board of Trade. In any allocation of such waste lands, mud banks and slob to harbour purposes a sufficient space shall always be preserved for the purposes of a floating dock. Sufficient space shall also be reserved out of the reclaimed lands for a public road or way of such width and in such position on the inner side of the said reclaimed land as shall be agreed upon between the Commissioners and the Irish Society, or failing agreement shall be determined by an arbitrator to be appointed by the

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Board of Trade, whose fees and expenses shall be paid by the Commissioners;

As to Works No. 4.—The widening and deepening of the navigable channel at Rosses' Bay shall not be executed without the previous consent in writing of the Irish Society, unless and until the Commissioners and the Irish Society have entered into the agreement mentioned in section 11 of this Act;

As to Works No. 5.—The foundations of Culmore Fort (should it be found necessary) shall be underpinned by the Commissioners to the satisfaction of the Irish Society;

Before the existing pier or ferry-boat quay at Culmore is removed from its present site, or interfered with under the powers of this Act, a new pier or ferry-boat quay, affording equal accommodation to the existing pier, shall be constructed and completed by the Commissioners, at a distance not exceeding thirty yards to the westward of such existing pier; and the said new pier or ferry-boat quay shall, by virtue of this Act, be vested in the Irish Society and their lessees absolutely;

As to Works Nos. 6 and 7.—The Commissioners shall not for the purposes of these works acquire any right or title to the ground or soil of Lough Foyle, except the sites of the said landing piers, so far as such piers shall from time to time occupy the said sites to the exclusion of the flow of the river, including the ground upon which the piles shall be placed or driven in connexion with the said piers, and it is hereby provided that the pier (Work No. 6) and the extension of the pier at Moville (part of Work No. 7) shall be constructed of open pile work and not otherwise;

As to all the said Works.—The Commissioners shall not in executing any of the aforesaid works in or affecting Lough Foyle or the River Foyle deviate from the lines and levels shown on the deposited plans without the consent in writing of the Irish Society, except the said Work No. 4, if and in case the Commissioners shall be at liberty to execute the same.

Saving rights of Irish Society as regards ferry.

10. Notwithstanding the execution of the Works No. 5, in section 8 of this Act authorised, the ferry from Culmore to the opposite bank of the River Foyle, and all rights, privileges, powers and authorities now belonging to the Irish Society and their lessees or tenants in connexion therewith, shall remain the exclusive property of the Irish Society.

Power to erect stake nets in lieu of two existing stake nets.

11. The Irish Society, their successors and assigns, and their lessees and tenants may at any time within seven years from the passing of this Act erect, and for ever after maintain, in lieu of and in substitution for two of the existing stake nets in Rosses' Bay, which may be prejudicially affected by the works by this Act authorised to be executed there, two new stake nets in the river or lough of Lough Foyle, in such situations and of such size and description respectively as shall be agreed upon in writing between the Commissioners and the Irish Society provided the Board of Trade shall be satisfied that such new stake nets will not interfere with the navigation of the river, and such two existing nets shall forthwith, on the erection of the new nets be removed, and the Irish Society, their successors and assigns, and their lessees and tenants shall have the same estate and interest in and possess and enjoy the same rights, powers, privileges, protections and immunities in respect of such new nets as immediately before the erection of the same they had possessed and enjoyed in respect of such existing nets, and shall not, in the event of such an agreement being entered into, and of the Board of Trade being satisfied as aforesaid, be entitled to any compensation in respect of any damage or injury to or any injuriously affecting or diminution in the value of their fishery and nets in Lough Foyle or the River Foyle by reason of the execution of the works by this Act authorised, or the exercise of any of the powers of this Act.

Lateral and vertical deviations.

12. In executing the works by this Act authorised, the Commissioners may, subject to the provisions of this Act, deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon, and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet: Provided always, that no deviation by this Act authorised shall be made in such manner as to diminish the navigable space of the River Foyle or Lough Foyle without the previous consent in writing of the Board of Trade, or otherwise than in such manner as is expressly authorised by the Board of Trade.

Commissioners to exhibit lights.

13. The Commissioners shall, at the outer extremity of the works hereby authorised, exhibit and keep burning, from sunset to sunrise, such lights (if any) as the Commissioners of Irish Lights shall from time to time direct, and may erect and exhibit at any place or places within the limits of the port and harbour such light or lights as they shall from time to time think fit, and as shall be approved of by the said Commissioners of Irish Lights.

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Period for compulsory purchase of land.

14. 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 from the passing of this Act.

Period for completion of works.

15. The quays and works by sections 7 and 8 of this Act authorised shall be completed within seven years after the passing of this Act, and on the expiration of such period the powers by this Act granted to the Commissioners for constructing the said quays and works shall cease to be exercised, except as to so much of the said quays and works as shall then be completed: Provided always that such limit of time shall not apply to any operations of the Commissioners in dredging, deepening or otherwise preserving and improving the harbour and the access thereto, and in rendering the port safe and commodious, but such operations may be undertaken and carried on at any time by the Commissioners.

Lands for extraordinary purposes.

16. In addition to the lands acquired and held by the Commissioners under the Acts of 1854 and 1874, or to be acquired by the Commissioners under the powers of this Act, the Commissioners may, by agreement, purchase for extraordinary purposes in connexion with their undertaking any quantity of land not exceeding twenty acres.

Sewers, &c., may be stopped up.

17. The Commissioners may cause any sewers, drains, streams, watercourses, channels, conduits or pipes, which shall be in or near the intended situation of the works by this Act authorised, to be stopped up, arched over, widened, diverted, or otherwise altered or interfered with, as they shall think necessary for making and completing the said works, so that the Commissioners do, previous to stopping up the same, make and provide in lieu of such sewers, drains, streams, watercourses, channels, conduits or pipes, good and sufficient means for conveying off the water and sewage from the lands and premises adjoining or near the said works, as convenient in all respects as the sewers, drains, streams, watercourses, channels, conduits or pipes so to be stopped up as aforesaid.

Confirmation of transfer by grand jury of Donegal of Carrickarory Pier.

18. The transfer by the grand jury of the county of Donegal of the pier at Carrickarory, in the townland of Carrownaff, in the parish of Upper Moville, and barony of Ennishowen, and county of Donegal, is hereby confirmed, and the said pier and the management and maintenance thereof are hereby vested in the Commissioners as part of their undertaking, as fully and effectually and with the same rights, powers, authorities, privileges and obligations as if the said pier had been constructed by them under the powers of their Acts.

Power to lease reclaimed land for ship-building yards.

19. The Commissioners may, subject to the provisions of section 7 of the Act of 1874 and section 9 of this Act, for the preservation of a sufficient space for the purposes of a floating dock and of a public road or way, from time to time lease or grant the use and occupation of the land or any part thereof reclaimed under the powers of the Act of 1874, or of this Act, and situate on the northern shore of the River Foyle, and below their graving dock, for ship-building yards or yard for any term not exceeding thirty-one years, and at such rent and on such terms and conditions as they shall think fit, to any person willing to take the same: Provided always that every lease or agreement made under the powers of this section shall become and be absolutely void in the event of the premises ceasing to be used as a ship-building yard, or the same or any part thereof being used for any other purpose.

Power to grant use of graving dock.

20. The Commissioners may grant to any lessee or lessees of a shipbuilding yard the use of the graving dock of the Commissioners for any term not exceeding five years, at such special rates and on such terms and conditions as they shall think fit: Provided always that the exclusive use of the graving dock shall not be granted to any such lessee or lessees, and the said dock shall always remain in the possession and under the control of the Commissioners.

Power to Commissioners to construct docks, &c.

21. The Commissioners may, subject to the provisions of this Act, from time to time and at all times hereafter extend, enlarge, alter or improve, any existing dock, graving dock, quay, pier, jetty or landing place, and may construct, make and maintain within the limits of the port and harbour such new docks, graving docks, quays, piers, jetties, landing places, roads, approaches and other works necessary for the public convenience as they shall think fit, and may from time to time extend, enlarge, alter or improve the same: Provided always that the Commissioners shall not, under the powers in this section contained, construct or make any works extending below high-water mark at ordinary spring tides, unless the plans for the same shall have been first submitted to and approved in writing by the Board of Trade and the Irish Society respectively.

Explaining section 53 of 17 & 18 Vict. c. clxxvii.

22. And whereas doubts have arisen as to the construction of section 53 of the Act of 1854, be it enacted as follows:

It shall be lawful for the Commissioners from time to time and at all times to execute the works and exercise the powers in section 53 of the Act of 1854 mentioned, notwithstanding that the period of ten years from the passing of that Act has expired.

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Applying certain sections of 37 & 38 Vict. c. xlix.

23. The provisions contained in the following sections of the Act of 1874 (that is to say):

Section 19. Rate for use of weighing machines.

Section 20. Rates for use of jetties.

Section 29. Power to provide sheds, &c.

Section 30. Rates for use of sheds, &c.

Section 32. Power to appoint meters and weighers, harbour-masters, &c.

Section 39. Goods on quays, &c., for more than twenty-four hours or longer than necessary.

Section 40. As to removal of goods left on quay.

Section 41. Projections or obstructions to be removed from off the quays.

shall mutatis mutandis extend and apply to the Commissioners in the execution of the powers by this Act conferred upon them and the works by this Act authorised; and generally the powers and provisions of the Acts of 1854 and 1874 in respect of the docks, quays, piers, jetties and other works thereby authorised, shall extend and apply to the docks, quays, piers, jetties and works by this Act authorised: Provided always that in the case of any lands to be acquired by the Commissioners in manner aforesaid from the Irish Society, and of any sheds and other buildings erected thereon, no sheds or other building shall be erected by the Commissioners upon such lands until the consent in writing of the Irish Society has been obtained for that purpose, and plans of any proposed sheds or other buildings affecting those lands shall be duly submitted to the Irish Society, and the payments or other consideration proposed to be fixed, levied or received by the Commissioners in respect of such sheds or other buildings, or the use thereof, shall in the first instance be approved by the Irish Society.

Penalty for not embarking goods.

24. If any person lays on any of the roadways, quays or quay walls of the Commissioners any goods or matters for exportation or to be carried coastwise, and does not within twelve hours afterwards put the same on board some vessel, the owner of such goods or matters shall for every such offence be liable to a penalty not exceeding twenty shillings, and to a further penalty not exceeding forty shillings for every day the same shall remain on such roadway, quay or quay walls, and the Commissioners may cause such goods or matters to be removed and a sufficient part thereof to be sold for payment of fines and expenses: Provided always that nothing in this section shall apply to goods or matters landed from a vessel on any quay.

Destroying or injuring the walls, quays, &c.

25. If any person wilfully destroys or injures any part of the walls, quays, piers, jetties or landing places in any part of the port and harbour, or injures any of the sheds, buildings, cranes, windlasses, posts, life buoys, 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 of not less than ten shillings nor more than five pounds.

Persons convicted of doing damage shall pay the amount.

26. When any person shall be convicted of doing damage to any of the quays, walls, piers, jetties or landing places in the port and harbour, or to any of the works and conveniences upon or about the same, 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 be recovered from such person in the manner provided by the Harbours, Docks and Piers Clauses Act, 1847, with respect to the recovery of damages not specially provided for and penalties.

Officers may seize ships, &c., which they see commit damage.

27. When any officer or person authorised by the Commissioners shall be present and see any injury done by any vessel, boat, raft, piece of timber, metal or stone, package, cart, car, horse, carriage or vehicle to any of the quays or walls or to any of the sheds, buildings, works, cranes, windlasses, posts, rings or other conveniences thereon, it shall be lawful for such officer or person to seize and detain such vessel, boat, raft, piece of timber, metal or stone, package, cart, car, horse, carriage or vehicle, and the same shall be liable to all such fines and damages as may be imposed or awarded under the authority of this Act, and the Commissioners may grant such reward to the officer or person who shall seize the vessel, boat, raft, piece of timber, metal or stone package, car, cart, horse, carriage or vehicle doing damage as aforesaid as to them shall seem fit.

Vessels doing damage to quays may be detained

28. In case any injury to the walls, quays, piers, jetties or landing places, or to any of the works and conveniences in and upon the same be done by any vessel whose continuance in the port may be uncertain, the harbour master, or any person duly authorised by the Commissioners, under the hand of their secretary or other proper officer, may detain such vessel and prevent it from sailing until satisfaction is made for such injury.

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Persons damaging walls, &c., may be punished.

29. Any person who shall break or damage any quay, quay wall, dock quay, embankment or defence of or appertaining to the port and harbour, or who shall take away or remove any of the materials of what kind soever of which such quay, quay wall, dock quay, embankment or defence is composed, or who shall take up any sand, stones or clay from the strand or bed of the river within fifty feet of such quay, quay wall, dock quay, embankment or defence, or who shall take away any materials laid on such quay, quay wall, dock quay, 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.

Removal of sunken or stranded vessels.

30. In either of the following cases (that is to say):

(1.) Where a vessel is sunk or stranded within the limits of the port and harbour, and the Commissioners deliver to the master or other person who has, or at the time of such sinking or stranding had, the charge or command of such vessel, or to the owner of such vessel, or leave at or send by post by registered letter to the usual or last known place of abode or business in the United Kingdom (if any) of such master or other person or owner, a notice in writing, under the hand of their secretary or other proper officer, requiring such master or other person or owner, or one of them, to remove such vessel or procure it to be removed within the time specified therein, not being less than six days from the delivery, leaving or sending of such notice, and such master or other person or owner fails to comply with the requisitions of the notice;

(2.) Where a vessel is sunk or stranded within the limits of the port and harbour, and neither the master or other person who has, or at the time of such sinking or stranding had, the charge or command of such vessel, nor the owner of such vessel is, after reasonable inquiry known to the Commissioners; or such master or other person or owner appears to the Commissioners after reasonable inquiry to be dead, or to have no place of abode or business in the United Kingdom, or his place of abode or business in the United Kingdom (if any) is not after reasonable inquiry known to the Commissioners;

Then after the expiration of one month from such sinking or stranding, any person appointed by the Commissioners for the purpose may cause such vessel to be weighed and raised, or if the same cannot be effected at a reasonable expense or at all (whereof the Commissioners shall be the sole judges) then to be blown up or otherwise removed.

Power to Commissioners to sell vessels.

31. In case of any vessel being so weighed and raised or blown up or otherwise removed by the Commissioners, they may cause the vessel or any part thereof, and the furniture tackle and apparel thereof, or any part thereof, and any goods or effects found on board the same or otherwise saved thereout, to be sold by public auction or otherwise, and shall apply the proceeds of such sale in paying the expenses of weighing and raising, or attempting to weigh or raise the vessel, and the expenses of blowing up or otherwise removing the vessel and clearing the harbour therefrom, whether a previous attempt to weigh or raise the vessel has been made by the Commissioners or not, and also the expenses of such sale, rendering the overplus (if any) to the person entitled thereto; and if there be any deficiency then the amount thereof shall be a debt due by such master or owner to the Commissioners, and be recoverable by them by action in the High Court of Justice in Ireland; and for the purposes of this and the preceding section, the owner of the vessel shall be the owner at the time that the vessel was sunk or stranded.

Lighters, wherries, &c., to be licensed.

32. The owner of every lighter, barge, wherry, boat or other like craft employed within the limits of the port and harbour discharging or loading cargo, goods or merchandise upon or from, or in any manner using any of the quays, piers, jetties, landing-places or other works of the Commissioners, shall take out in the month of January in every year a license from the Commissioners for each lighter, barge, wherry, boat or other craft to carry goods within the limits of the port and harbour, and shall pay to the Commissioners yearly and every year for such license, such sum not exceeding ten shillings as the Commissioners shall from time to time appoint, and every such owner shall abide by such rules for the carriage of goods and merchandise and the loading and discharging thereof, and shall comply with such byelaws and regulations as the Commissioners may from time to time make and prescribe, and shall obey the orders and directions of the harbour master, pier master or other officer of the Commissioners in the mooring, loading and unloading of such lighters, barges, wherries, boats and other craft.

Lighters, wherries, &c., to be registered.

33. Every such lighter, barge, wherry, boat or other craft, shall have a number painted conspicuously thereon, and shall be registered with the Commissioners by its number and tonnage and the name of its owner, and each license shall state the name of the owner and the number and tonnage of the lighter, barge, wherry, boat or other craft thereby licensed, and it shall be lawful for the harbour master or other person appointed by the Commissioners to ascertain the tonnage of every such lighter, barge, wherry, boat, or other craft

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17 & 18 Vict. c. 104.

by measuring the same in the manner directed by the Merchant Shipping Act, 1854, and the Acts amending the same, and for the purposes of section 34 of the Act of 1874 the tonnage stated in the license of every such lighter, barge, wherry, boat or other craft, shall be deemed to be the registered tonnage thereof.

Penalty upon unlicensed lighters and wherries, &c.

34. If any lighter, barge, wherry, boat or other craft not licensed as aforesaid, or the owner of which has not complied in all respects with the requirements of this Act, shall be found discharging or loading any cargo, goods or merchandise upon or from, or in any way using any of the quays, piers, jetties, landing-places or other works of the Commissioners, the owner shall for every such offence be liable to a penalty not exceeding forty shillings: Provided always, that the provisions of this and the two preceding sections shall not extend to ferry boats plying with passengers across Lough Foyle and the River Foyle.

Commissioners may appoint constables.

35. For the security and protection of the trade and shipping resorting to the port and harbour the Commissioners may from time to time appoint so many dock, quay and harbour 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 to execute the office of a constable within the limits of the port and harbour, and within one mile from the same, shall have the same powers protections and privileges within such limits, and shall be subject to the same liabilities, as constables have or are subject to by the laws of the realm.

Dismissal of constables.

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

Constables may apprehend offenders.

37. Any constable appointed by the Commissioners may, by virtue of this Act, and without warrant, detain and apprehend within the limits aforesaid any person injuring the docks, quays, piers, jetties, landing-places, warehouses, works or other property of the Commissioners, or any part thereof, or anything therein or thereon respectively, or any vessel within the docks, 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

of the Acts of 1854 or 1874, or of the Acts incorporated therewith, and such constable, as soon as conveniently may be after apprehending any person who shall have committed, or who may be reasonably supposed to 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.

Offenders may be pursued.

38. If and whilst engaged in the pursuit of any person who shall have committed, or who may be reasonably supposed to 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 aforesaid which he possessed whilst acting within those limits.

Duties of constables.

39. The constables appointed by the Commissioners, when required to do so, shall aid in giving effect to the orders of the harbour master and dock master respectively, 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 or dock master respectively acting in the execution of his duty, or any person offending against any byelaws or regulations from time to time made by the Commissioners under the provisions of this Act, when any such byelaw or regulation contains a provision that offenders are to be arrested.

Branch tramways.

40. The Commissioners may agree with any company or persons or person being owners, lessees or occupiers of any railway, canal, dock, wharf, warehouse, manufactory, goods shed or premises adjoining or near the tramways of the Commissioners, for laying down and constructing cross or branch tramways with turntables, sidings and other conveniences suitable for connecting the tramways of the Commissioners or any of them with any such railway, canal, dock, wharf, warehouse, manufactory, goods shed or premises upon such terms and conditions as may be agreed upon, and the Commissioners may execute the works necessary for giving effect to any such agreement.

Tramways may be made on property of Commissioners.

41. The Commissioners, if and when they think fit, may lay down and maintain tramways with all proper sidings, junctions, turntables, works and conveniences, and with all such cross or branch tramways as may, from time to time, be necessary upon and along and within the docks, basins, wharves, piers, quays, embankments, works and other property now belonging to or in the possession or subject to the control, management and jurisdiction of the Commissioners, or which may hereafter be made, or acquired by, or

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otherwise belong to, or come into the possession of or under the jurisdiction of the Commissioners.

As to use of quays by carts for loading and unloading vessels.

42. This Act shall not be construed to prevent the use of the quays by carts, waggons, vehicles and horses for the loading and unloading of vessels, although such carts, waggons, vehicles or horses may stand across or upon the tramways: Provided the same do not remain longer than is necessary for such loading or unloading, and be removed when required off the tramways for the passage of traffic along and necessary use of the tramways.

For preventing obstruction to tramways.

43. Subject as by this Act provided no goods, vehicles, animals or things shall be permitted to remain upon, and no obstruction shall be caused to, the tramways of the Commissioners or any of them, and whenever any obstruction thereto is caused the Commissioners or any of their officers or servants may remove the goods, vehicles, animals or things causing the obstruction, and detain the same until the expense of removal and detention be paid by the owner or person having charge of the same, and if the expenses be not paid by him within three days after demand, or if the owner or person cannot be found, the Commissioners may sell the goods, vehicles, animals or things, and pay themselves the expenses of removal, detention and sale, rendering on demand the surplus (if any) of the proceeds of sale, and the unsold goods, vehicles, animals or things (if any) to the person appearing to them to be entitled thereto.

Commissioners may work tramways by steam, &c.

44. It shall be lawful for the Commissioners to work their tramways by steam or other mechanical power as well as by animal power, and for that purpose from time to time to purchase such steam engines or other locomotives as they shall think fit: Provided always, that it shall not be lawful to drive any locomotive along any such tramway at a greater speed than five miles an hour.

Provisions of 37 & 38 Vict. c. xlix. s. 22., extended to steam power.

45. The provisions of section 22 of the Act of 1874 shall extend and apply to the steam or other mechanical power by this Act authorised.

Acts not to be construed to authorise other persons to haul traffic on tramways.

46. Nothing in this Act or the Acts of 1854 or 1874 contained shall be construed to authorise any person to haul traffic on the tramways, whether by animal power or steam, or other mechanical power, without the consent of the Commissioners.

Power to make byelaws.

47. The Commissioners may in addition to the byelaws which they are now authorised to make, from time to time make such byelaws for all or any of the following purposes as they shall think

fit, and may from time to time repeal and alter any such byelaws (that is to say):

For regulating the use of the graving docks, patent slips and gridirons for the time being belonging to the Commissioners;

For regulating the use of the tramways and the sidings and other works connected therewith, and preventing any obstruction thereto;

For regulating the times and manner of paying, together with the places for payment of the tolls, rates and charges payable to the Commissioners in respect of the tramways;

For preventing obstructions of whatever kind or interference with the traffic upon or passage along the tramways, or quays of the Commissioners or any of them, or injury thereto;

For determining the qualifications to be required from persons applying to be licensed as pilots, whether in respect of their age, skill, time of service, character or otherwise, and for obliging such persons to take apprentices;

For regulating and governing the licensed pilots, and for ensuring their good conduct and their constant attendance to and effectual performance of their duty, either at sea or on shore;

For fixing the terms and conditions of granting licenses to pilots and apprentices, and of granting pilotage certificates to masters and mates, and for punishing any breach of byelaws or regulations committed by such pilots or apprentices, or by such masters or mates, by the withdrawal or suspension of their licenses or certificates, or by the infliction of penalties;

For fixing the remuneration to be received for the time being by licensed pilots, or to alter the mode of their remuneration, but so always that the rates or other payments demanded or received from the masters or owners of vessels shall not exceed the pilotage rates in Schedule D to the Act of 1854 mentioned;

For making distribution of earnings among such persons as in the opinion of the Commissioners shall have deserved the same;

For determining the distances which pilots shall go with vessels from the port and harbour, and how such distances shall be ascertained;

For regulating the appointment, removal and remuneration of the dock, quay and harbour constables, and the numbers and proportions of such constables respectively to be appointed and maintained;

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For defining the duties and for prescribing the functions of all such constables in upon or about the docks, quays, harbour and works;

For all or any of the purposes not in this Act or the Acts of 1854 or 1874 specifically mentioned or detailed, but included in the general purposes of these Acts.

Regulations as to bye-laws.

48. With respect to byelaws to be made by the Commissioners under their Acts, the following provisions shall take effect (namely):

(1.) All byelaws shall be reduced into writing and be under the seal of the Commissioners;

(2.) Byelaws may impose penalties for offences against the same, not exceeding in respect of any offence five pounds, so that all byelaws be so framed as to allow part of the maximum penalty being inflicted;

(3.) Penalties under byelaws shall be recoverable as penalties under this Act are recoverable;

(4.) No byelaw shall take effect until it is allowed by the Board of Trade, the Board of Trade being at liberty to allow, alter or disallow the same, as they may think proper;

(5.) No such byelaw shall be allowed unless notice of intention to apply for allowance of the same has been given not less than one month before the making of such application, in the following manner, namely, by advertisement once in the Dublin Gazette and three times in a newspaper published in the city of Londonderry, and by affixing such notice in a conspicuous place at the office of the Commissioners;

(6.) For one month at least before such application, a copy of the proposed byelaws shall be kept at the office of the Commissioners, and be open during office hours thereat to inspection by all parties reasonably requiring the same without payment, and the secretary to the Commissioners shall furnish a copy thereof, or any part thereof, to every person reasonably requiring and applying for the same, on payment of threepence for every hundred words in such copy; or if the proposed byelaw has been printed by the Commissioners, then at such reasonable price not exceeding sixpence for each copy, as the Commissioners may direct;

(7.) Any person desiring to object to any such byelaws, on giving to the Commissioners notice in writing of the nature of the objection ten days before the making of the application for the allowance thereof, may be heard thereon in such manner as the Board of Trade shall direct;

(8.) All byelaws when allowed shall be printed with the date at which they are made, and the secretary to the Commissioners shall keep a printed copy thereof at the office of the Commissioners, and all persons may at all reasonable times inspect such copy without payment; and the Commissioners shall cause to be delivered a printed copy, signed by the secretary, of all byelaws for the time being in force to every person applying for the same, on payment by him of any sum not exceeding one shilling for every such copy; and a printed copy, signed by the secretary, of the byelaws for the time being in force, relative to any particular subject, to every person applying for the same on payment by him of any sum not exceeding sixpence for every such copy;

(9.) Proper extracts from the byelaws, painted or placed on boards shall be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Commissioners think fit;

(10.) A printed copy of byelaws, dated and purporting to be allowed as aforesaid, and signed by the secretary to the Commissioners, shall be primâ facie evidence of the existence and of the due making and allowance of such byelaws;

Remedy against vessels.

49. Where any penalty imposed under the Acts of 1854 or 1874, or this Act, is ordered to be paid by the master or owner of a vessel, and the same is not paid at the time and in the manner prescribed in the order, the justices by whom any such penalty is imposed may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount unpaid to be levied by distress and sale of the said vessel, its tackle, furniture and apparel.

Amendment of 10 & 11 Vict. c. 27. s. 44.

50. If and whenever the Commissioners, or their collector of rates, shall have distrained or arrested under the powers of section 44 of the Harbours, Docks and Piers Clauses Act, 1847, any vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, it shall not be obligatory upon them or him to cause the matters so distrained or arrested to be appraised, but they or he may cause the same, or any part thereof, to be sold, notwithstanding that no such appraisement has been made.

Power to borrow.

51. The Commissioners may from time to time, for the purposes of this Act, borrow at interest upon the security of their rates, tolls, duties and other revenues, by mortgage or by the issue of consolidated stock, any sum or sums of money which, together with the amount borrowed and owing at the time of the passing of this

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Act, shall not exceed two hundred and thirty thousand pounds: Provided always that the aggregate debt of the Commissioners under the Acts of 1854 and 1874 and this Act, shall not exceed two hundred and thirty thousand pounds.

Arrears may be enforced by the appointment of a receiver.

52. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

Power to borrow on cash credit.

53. The Commissioners, in the exercise of their borrowing powers under this Act, may from time to time take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company according to the usage of bankers in Ireland, in the name of the Commissioners or of an officer to be appointed by them, to the extent of the sum which they are by this Act authorised to borrow, or any part thereof, and may make and grant mortgages as aforesaid, in security for the payment of the amount of such credit, or of the sums advanced from time to time on such cash account with interest thereon.

Saving for existing mortgages.

54. All existing mortgages or bonds granted or issued by the Commissioners, under the Acts of 1854 or 1874, shall during their continuance have priority over any moneys to be borrowed under the powers of this Act.

Money may be borrowed in substitution of same paid off.

55. If the Commissioners at any time pay off any part of any money borrowed by them under this Act, otherwise than by means of their sinking fund, they may re-borrow the same or any part thereof upon the security of their rates, tolls, duties and other revenues.

Sinking fund.

56. The Commissioners shall set apart and appropriate annually, out of the rates by the Acts of 1854 and 1874 and this Act authorised, and accumulate at compound interest, as a sinking fund, to be applied in paying off the principal sums from time to time borrowed upon the security of those rates, or any of them, a sum not less than one per centum of the aggregate sum from time to time borrowed by the Commissioners.

Sinking fund may be applied in repayment of borrowed moneys.

57. The Commissioners may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem

proper: Provided that in case part of the sinking fund shall be applied in repayment as aforesaid, the Commissioners shall pay into such sinking fund in each year afterwards, and accumulate as hereinbefore prescribed, until the whole of the borrowed moneys to which such sinking fund is applicable are discharged, a sum equal to the interest produced by the sinking fund or part thereof so applied: Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding, the Commissioners may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may, during such periods, discontinue the payment to such sinking fund, of the yearly sums required to be so paid thereto. Any mortgages, bonds or consolidated stock granted or issued by the Commissioners and in or upon which they shall invest any sinking fund shall, upon such investment, be ipso facto cancelled.

Annual return to Board of Trade with respect to sinking fund.

58. The secretary to the Commissioners shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund, or any interest thereof, has been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such secretary shall be liable to a penalty of not exceeding twenty pounds, which may be recovered by the Board of Trade in any court of summary jurisdiction. If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to set apart the sum required by this Act for the sinking fund, or any interest thereof, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made, shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of mandamus, to be obtained by the Board of Trade out of the Queen's Bench Division of the High Court of Justice in Ireland.

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Application of moneys.

59. Section 62 of the Act of 1874 is hereby repealed, and in lieu thereof it is enacted as follows:

All moneys which shall be hereafter collected, levied, borrowed, raised or received by the Commissioners under or by virtue of the Acts of 1854 or 1874, or this Act, shall be applied to the following purposes and in the following priorities (that is to say):

First. In payment of the costs, charges and expenses of obtaining this Act or incidental thereto, and of all expenses and charges of collecting the rates, tolls and charges by the Acts of 1854 and 1874, and by this Act authorised, and administering the affairs of the Commissioners;

Secondly. On and towards the support and maintenance of the works authorised by the Acts of 1854 and 1874, and by this Act (when the same shall have been constructed);

Thirdly. In payment from time to time of all interest accruing due on moneys borrowed under the Acts of 1854 and 1874, and this Act and of the dividends on the consolidated stock according to the respective priorities;

Fourthly. In and towards the construction of the works authorised by this Act, and in carrying into execution all the provisions of the Acts of 1854 and 1874 and this Act with reference to works;

Fifthly. In setting apart and appropriating the sum by the Act of 1874, or this Act directed to be set apart as a sinking fund;

Sixthly. In the general managing, conducting, securing, preserving and improving the port:

Provided that money borrowed and money produced by the sale of land, or by premiums or fines on leases shall be applied only to purposes to which capital is properly applicable.

Power to apply existing funds.

60. The Commissioners may appropriate for the purposes of this Act any money belonging to them at the passing of this Act and not required for the purposes of the Acts of 1854 and 1874 or either of them.

Amendment of sections 17 18 and 19 of 17 & 18 Vict. c. clxxvii.

61. From and after the passing of this Act sections 17, 18 and 19 of the Act of 1854 shall be read and have effect as if the words "city of Londonderry as extended and defined by the Londonderry Improvement Act, 1864," were inserted therein, instead of the words "borough of Londonderry."

The word "contract" not to extend

62. From and after the passing of this Act the word "contract," contained in section 9 of the Commissioners Clauses Act, 1847, shall

not extend to or include, or be construed to extend to or include, any loan made to the Commissioners, or any bond or other instrument executed by them for securing the same, or extend to or include any agreement for or relating to such loan, bond or other security: Provided such loans and agreements are made by public offer, and are offered on the same terms and conditions and subject to the same provisions to the general public: Provided also that it shall not be lawful for any Commissioner to vote or to take part in the discussion of any matter before the Commissioners in which that Commissioner has directly or indirectly, by himself or his partner or partners, any pecuniary interest.

to any loans or bonds.

63. From and after the passing of this Act no person who has been or is a Commissioner, shall be deemed to have been or to be disqualified to be elected, or to be a Commissioner, by reason only of his having, or having had directly or indirectly, by himself or any partner, any share or interest in the loan of money to the Commissioners, or in any bond or other security for the payment of money, or the interest thereon, or in any agreement for or relating to such loan, bond or other security; and all elections of Commissioners shall be deemed and taken to be and to have been valid notwithstanding any such share or interest in any of the matters herein-before mentioned.

Commissioners not to be disqualified in consequence of interest in loans.

64. Every person who shall wilfully obstruct any person acting under the authority of the Commissioners in setting out the lines of the works by this Act authorised, or who shall pull up or remove any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or deface or destroy the said works, or any part thereof, or the existing works of the harbour, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing construction of works.

65. Nothing in this Act contained shall exempt the port and harbour, or the works at or connected therewith, or the Commissioners from the provisions of the Merchant Shipping Acts, or of any general Act relating to harbours, or the removal of wrecks, 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 or alteration under the authority of Parliament of the rates authorised by this Act.

Reserving Merchant Shipping and general Acts.

66. Except only as is by this Act expressly provided nothing in this Act contained shall take away, lessen, prejudice, alter or affect any of the jurisdictions, franchises, estates, rights, powers, authorities or privileges vested in or enjoyed by the Irish Society.

Saving rights of Irish Society.

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Saving rights of the Crown.

67. Nothing in this Act contained shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights under 29 & 30 Vict. c. 62.

68. Nothing in this Act contained or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers or authorities mentioned in or reserved by sections 20, 21 and 22 of the Crown Lands Act, 1866.

Costs of Act.

69. 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 and discharged out of the funds of the Commissioners.

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