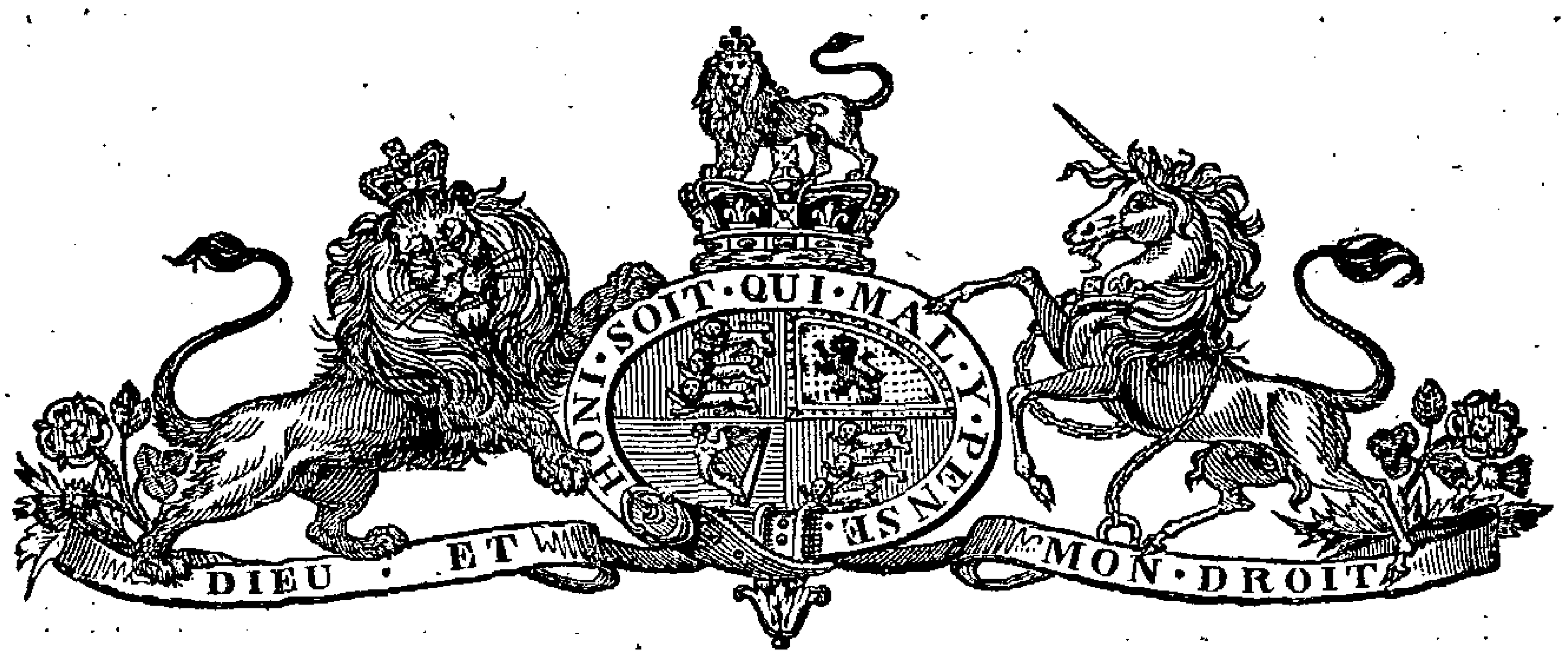


ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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Cap. cxxxix.

An Act for the better regulating and improving the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny*.

[14th *August* 1848.]

WHEREAS the Trade of the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny* has of late Years greatly increased: And whereas it would be of great public Advantage if the said Port and Harbour of *New Ross* within the Limits herein-after referred to were effectually maintained, buoyed, regulated, and lighted; it is also expedient that Rules and Regulations should be made for the good Government of the said Port and Harbour, and for the Improvement of the same: And whereas in order to provide the requisite Funds for effecting the Purposes aforesaid it is expedient that the Commissioners herein-after named should be empowered to levy Tolls, Rates, and Duties upon all Vessels using the said Port and Harbour: And whereas the Purposes aforesaid 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

8 & 9 Vict. c. 18. and 10 & 11 Vict. cc. 16 & 27. incorporated with this Act.

the same, That the several Acts of Parliament following, (that is to say,) "The Commissioners Clauses Act, 1847," "The Lands Clauses Consolidation Act, 1845," and "The Harbours, Docks, and Piers Clauses Act, 1847," (except as to Clauses Sixteen, Seventeen, Eighteen, and Nineteen of the last-mentioned Act,) shall (save so far as the said Acts are altered, and save so far as is otherwise provided by this Act, or as are inconsistent herewith) be incorporated with and form Part of this Act: Provided always, that if hereafter the Lords Commissioners of the Admiralty should so direct, the said Clauses Sixteen, Seventeen, Eighteen, and Nineteen of the said last-mentioned Act shall be also incorporated and form Part of this Act.

Nothing to authorize Land to be taken without Consent.

II. Provided always, and be it enacted, That nothing in this Act, or in the said Acts incorporated herewith contained shall authorize or empower the Commissioners under this Act to purchase, take, or use Lands for the Purposes of the said Port and Harbour unless with the Consent of or by Agreement with the Owners thereof, or other Parties interested therein.

Short Title of Act.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *New Ross* Port and Harbour Act, 1848."

Appointment of Commissioners.

IV. And be it enacted, That the Commissioners and their Successors, to be appointed and qualified as herein-after mentioned, shall be the Commissioners for maintaining and regulating and keeping in repair and otherwise improving the Port and Harbour herein mentioned, together with all proper Works and Conveniences connected therewith, subject to the Provisions contained in this Act and the Acts incorporated herewith.

Number of Commissioners.

V. And be it enacted, That there shall be Twelve Commissioners for carrying this Act into execution, Three of whom shall always be *ex officio* Members, namely, the Collector of the Customs for the Port of *New Ross* for the Time being, the Chairman of the Town Commissioners of the Borough of *New Ross* for the Time being, and One Member of the Town Council of the City of *Kilkenny*, nominated by the Corporation of said City.

Qualification of Commissioners.

VI. And be it enacted, That every Commissioner under this Act (except the *ex officio* Members) shall have the following Qualification: he shall be resident within the Counties of *Wexford* or *Kilkenny*, and shall be either rated in the whole to some Rate made for the Relief of the Poor within the said Counties, or one of them, in the annual Sum of Twenty Pounds or upwards, or be seised or possessed of the Rents and Profits of Lands there of the annual Value of One hundred Pounds for his own Use, or shall be possessed of a Personal Estate of the Value of One thousand Pounds over and above what will satisfy all his Debts, or he shall be in his own Right possessed of or entitled to a Property in Ships or Vessels usually trading from said Port of the Value of Three hundred Pounds.

VII. And

As to the Appointment of first Commissioners.

VII. And be it enacted, That *Charles Tottenham* of *New Ross*, Esquire, The Right Honorable *William Frederick Fownes Tighe* of *Woodstock* in the County of *Kilkenny*, *William Graves*, *John Jones*, *Martin Howlett* M.D., *James E Howlett*, *James Browne*, *James Galavan*, *Standish Hartrick*, all of *New Ross*, together with *Charles Sholl*, Collector of Customs at the Port of *New Ross*, *Samuel Kough*, Chairman of the Town Commissioners of *New Ross*, and *Richard Sullivan* of the City of *Kilkenny*, Esquire, nominated by the Corporation of said City, shall be the first Commissioners for carrying this Act into execution; and all future Commisssioners shall be elected in the Manner directed and provided by the "Commissioners Clauses Act, 1847."

Meetings of Commissioners.

VIII. And be it enacted, That the Commissioners under this Act shall hold their first and all other Meetings in *New Ross*, and at such Times as shall be decided upon amongst themselves.

Annual Meetings to be held.

IX. And be it enacted, That the said Commissioners shall hold an annual Meeting in the Month of *August* in every Year at *New Ross*, and the first of such annual Meetings shall be held in the Year next after the passing of this Act, and they shall also hold such other Meetings for the Transaction of ordinary Business as they shall from Time to Time appoint; and when any such Appointment is made the Clerk shall give Notice thereof to each of the Commissioners, and such annual and other Meetings may be adjourned from Time to Time in manner prescribed by "The Commissioners Clauses Act, 1847," with reference to the annual and monthly Meetings thereby provided for.

Quorum of Commissioners.

X. And be it enacted, That all Powers vested in the Commissioners under this Act, or any Act incorporated or partly incorporated herewith, may be exercised by any Five of them, and any Five of them may require a Special Meeting to be held.

Newspapers for Advertisements.

XI. And be it enacted, That the Newspapers in which Advertisements may be published under the Provisions of this Act, or any Act incorporated or partly incorporated herewith, shall be any Newspaper published in the Counties of *Wexford* and *Kilkenny*, or one of them.

Power to maintain and regulate the Port and Harbour of New Ross.

XII. And be it enacted, That, subject to the Provisions of this Act, and of the several Acts incorporated herewith, so far as the same respectively are so incorporated, it shall be lawful for the Commissioners to maintain, buoy, light, regulate, and from Time to Time to cleanse, scour, dredge, and otherwise improve the Port and Harbour of *New Ross* by such Means and in such Manner as they shall think proper.

Limits of the Harbour.

XIII. And be it enacted, That for the Purposes of this Act the Port and Harbour of *New Ross* shall be taken to be included within the Limits following; that is to say, from the Junction of the River *Barrow* with the River *Suir* up to the Entrance of the Canal at *Saint Mullins* on the River *Barrow*, and to the Lock Quay of *Innistioge* on the River *Nore*.

XIV. And

Works to be executed according to deposited Plans.

XIV. And whereas a Plan and Section of the proposed Works for the Improvement of the Harbour have been deposited with the Clerks of the Peace for the Counties of *Wexford* and *Kilkenny* respectively: Be it enacted, That it shall be lawful for the Commissioners under this Act to make, do, and execute the Works delineated upon and according to the said Plan and Section.

Power to Commissioners to sell Materials, &c.

XV. And be it enacted, That it shall be lawful for the Commissioners to sell and dispose of in such Manner as they shall think proper the Mud, Sand, and other Materials which shall be dug out of or removed from the Harbour in execution of the Powers of this Act.

Power to provide Beacons, &c.

XVI. And be it enacted, That, subject to the Provisions of this Act and of the Acts incorporated or partly incorporated herewith, it shall be lawful for the Commissioners to make and maintain such Quays, Piers, Jetties, and Landing Places, and to provide, fix, and maintain such Lights, Beacons, Buoys, Mooring Posts, and other Conveniences, as they shall judge expedient for the Purposes of the Port and Harbour, and the Guidance and Use of Vessels resorting to the Harbour, and to enter upon, take, and use (subject as aforesaid) such Lands as shall be necessary for said Purposes.

Power to appoint and license Meters and Pilots.

XVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to appoint and license such Meters and Weighers as they shall think proper, and from Time to Time at their Discretion to remove such Meters and Weighers, and appoint and license others in their Stead; and it shall also be lawful for the said Commissioners from Time to Time to appoint and license such Pilots as shall be sufficient for the Traffic of the Port and Harbour to act within the Limits of the said Harbour, and from Time to Time at their Discretion to remove such Pilots, and appoint and license others in their Stead, and it shall not be lawful for any Person or Persons to act as Pilots within the Limits of the said Harbour other than such Person or Persons as may be appointed and licensed by the said Commissioners under the Power for this Purpose herein contained, and the said Commissioners shall be at liberty to charge as and for Pilotage Rates the Sums set forth in Schedule (A.) to this Act annexed; provided that no Pilots shall be appointed who shall not have a Certificate of Fitness signed by the Collector of Customs of the Port and Two experienced Shipmasters well acquainted with the Port and Harbour of *New Ross*.

Power to appoint a Harbour Master.

XVIII. And be it enacted, That the Commissioners under this Act shall and they are hereby authorized, empowered, and required to appoint an experienced Seaman to be Harbour Master, who shall also therewith exercise the Office of Water Bailiff of said Port and Harbour, and to remove him in case of Misconduct or Incapacity, and so to appoint to said Office as Vacancies may arise therein by Death, Resignation, or Removal.

If local Survey of Works

XIX. And be it enacted, That if after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High

High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the Commissioners for executing this Act shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Commissioners for executing this Act, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Commissioners executing this Act.

deemed expedient by the Admiralty, Commissioners to pay the Costs.

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

If Works constructed across tidal Waters are abandoned Admiralty may remove them.

XXI. And be it enacted, That the Commissioners under this Act shall expend every Year in deepening and improving the River and Navigation between the Borough of *New Ross* and *Innistioge* (within the Limits of this Act) One Fifth of the Amount of Tolls which they shall receive in respect of this Act, after Payment of all Charges and Expenses incurred in execution of so much of the Works authorized by this Act as extends from *Archer's* Pier to the *Block House* Pier.

One Fifth of the Tolls to be laid out for the Improvement of the Navigation between New Ross and Innistioge.

XXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase, hire, or provide Vessels to be propelled by Steam or otherwise for the Purposes of this Act, or of towing or hauling Vessels into or out of the Harbour, and any Person requiring the Assistance of such Towing Vessel shall pay to the Commissioners such Compensation for the Use thereof as the Commissioners shall appoint, provided that it shall not be lawful for said Vessels to ply for Hire up the River *Suir* from its Junction with the *Barrow*.

Power to purchase Vessels for towing, &c.

XXIII. And be it enacted, That it shall be lawful for the Commissioners to demand for every Vessel (except such as shall carry Limestone or Manure as the sole Cargo) using or entering the said Port and Harbour within the Limits aforesaid after the passing of this Act any Sum for every Ton Measurement of such Vessel not exceeding the Rates mentioned in Schedule (B.) hereunto annexed, and every such Rate shall be payable by the Master of such Vessel.

Power to demand Rates for using the Harbour;

XXIV. And be it enacted, That it shall be lawful for the Commissioners to demand for the Use of any of their Warehouses, Wharfs, Cranes,

and for the Use of Cranes and Weighing Machines.

Cranes, and Weighing Machines of and from the Owner or Person having the Charge of any Goods deposited therein, or loaded, unloaded, or weighed by means thereof, such reasonable Rates as the Commissioners shall from Time to Time appoint.

Owners of Lighters, &c. to pay an annual Sum for the same.

XXV. And be it enacted, That the Owner and Owners of all Lighters and Gabbards of Fifteen Tons Burden and upwards using the Quay within the Limits of the Port and Harbour under this Act, or any Quay hereafter built and leased by or otherwise placed under the Authority of the Commissioners of this Act, shall pay to the Commissioners under this Act yearly and every Year the Sum of Twenty-one Shillings for each and every such Lighter or Gabbard, or, if they so think fit, the Sum of One Shilling for each and every Cargo laden or discharged at the Quays within the Limits of this Act.

Limiting Amount of Toll for certain Steam Vessels.

XXVI. And be it enacted, That it shall not be lawful for the Commissioners under this Act to ask, demand, and receive any greater Toll for Steam Vessels, not exceeding Two hundred Tons Burthen, plying between the Ports of *Waterford* and *New Ross*, than the Sum of One and Sixpence *per Diem*, or the Sum of Ten Shillings *per* Week on the whole.

Power to borrow Money on Credit of the Rates.

XXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates and Tolls by this Act granted, and of any Property which may be vested in the Commissioners by virtue of this Act, any Sum of Money which shall not exceed the Sum of Five thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the aforesaid Principal Sum of Five thousand Pounds in the whole at any One Time; and for securing the Repayment of the Money so borrowed, with Interest, the Commissioners or any Two Thirds in Number of them may assign over the said Rates, Tolls, and Property, or any Part thereof, to the Persons who shall advance or lend such Money, or their Trustee, as a Security for the Repayment of the Money so to be borrowed, together with Interest for the same.

Power for Board of Works in Ireland to advance Money to Commissioners for Purposes of this Act.

XXVIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Board of Works in *Ireland* from Time to Time, with the Authority of the Commissioners of Her Majesty's Treasury, to advance to the said Commissioners for the Purposes of this Act any Sum or Sums of Money not exceeding in the whole the Sum of Five thousand Pounds out of any Money in their Hands, and either to pay the same to the said Commissioners for the Purposes aforesaid without requiring the Repayment thereof, or to advance the same by way of Loan.

Mortgagees may enforce Payment of Arrears by

XXIX. And be it enacted, That it shall be lawful for the Mortgagees of the Commissioners to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appoint-

ment

ment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole. Appointment of a Receiver.

XXX. And be it enacted, That all Monies which may arise or be received by or from the Rates, Tolls, or Duties hereby granted, and all Monies which may be borrowed on the Credit or be received by virtue of any of the Provisions of this Act, shall be applied by the said Commissioners in the Manner following; (that is to say,) in the first place, in paying and defraying the Costs, Charges, and Expenses which shall be incident to and attending the soliciting, obtaining, and passing of this Act; secondly, in paying the Interest of the Monies to be borrowed under the Provisions of this Act; and thirdly, in defraying the Expenses of maintaining, regulating, and improving the Port and Harbour, and generally of carrying this Act into execution, or in any Manner relating to the Execution thereof, or of any other Thing to be done by virtue hereof; provided that nothing herein contained shall prevent the said Commissioners from paying and discharging from Time to Time and in such Manner as is herein provided all such Sums of Money as they may deem right on account of the Principal Monies to be borrowed on the Credit of this Act. Application of Monies.

XXXI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time by Lease to take effect in possession within Three Months from the making thereof to let by Auction, or private Contract in case there shall not be a Bidder, or they shall not be satisfied with the Sum offered at such Auction, and upon such Terms and Conditions as they shall consider reasonable, the Rates by this Act authorized to be taken and made, or any of them, or any Part thereof, to any Party for any Period not exceeding Three Years from the Time of such Lease taking effect in possession: Provided always, that no such Letting shall take place unless public Notice of the Intention in that Behalf shall have been given by the Commissioners by Advertisement in Two Newspapers published at least Fourteen Days prior to the Auction or Meeting at which it shall be intended to let such Rates. Power to lease the Rates.

XXXII. And be it enacted, That during the Continuance of any such Lease the respective Lessees named therein, and also all Persons appointed by them to collect the Rates so let, shall be deemed Collectors of the Rates so let, and they shall have the same Powers to collect and recover such Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, as the Commissioners and the Collectors appointed by them. Lessees to be deemed Collectors.

XXXIII. And be it enacted, That once in every Year the Commissioners under this Act shall make and publish in One or more of the local Newspapers an annual Abstract of the Income and Expenditure, and a Statement of the Harbour Debt, after the Accounts have been duly audited, and transmit a Copy of same to the Harbour Department of the Lords Commissioners of the Admiralty. Commissioners to publish an Abstract of their Accounts annually.

XXXIV. Pro-

Saving Rights of Lords of Manors, &c.

XXXIV. Provided always, and be it enacted, That, save as by this Act is expressly provided, nothing herein contained shall take away any Weirs or Fisheries properly existing within the Limits of this Act, or diminish, alter, or prejudice any Estate, prescriptive or other Right, Jurisdiction, Liberty, Franchise, Royalty, Easement, Interest, or Privilege of the Town Commissioners of *New Ross*, or of any Corporation, or of any Lord of any Manor, or of any other Person, but the same respectively shall, save as aforesaid, be preserved and continued, and may be exercised and enjoyed, as if this Act had not been passed: Provided nevertheless, that if and so long as the Town Commissioners of *New Ross* shall demand and receive any Fees called Water Bailiff's Fees from or in respect of any Vessel using the said Port and Harbour, the Amount of such Fees shall be deducted by the Owner of such Vessel from the Amount of Toll payable under this Act.

Public Act.

XXXV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES.

SCHEDULE (A.)

EVERY Vessel entering the Port and Harbour of New Ross shall pay as and for Pilotage Fees the following Rates:—

Where the registered Tonnage is	No. 1. Vessels not having British Registers arriving from or sailing on a Foreign Voyage.	No. 2. Vessels with British Registers arriving from or sailing on a Foreign Voyage.	No. 3. Vessels trading to or from a Port in the United Kingdom.
	£ s. d.	£ s. d.	£ s. d.
30 and under 40	0 10 0	0 8 0	0 5 0
40 „ 50	0 12 6	0 10 0	0 6 0
50 „ 60	0 15 0	0 11 6	0 7 6
60 „ 70	1 1 0	0 15 9	0 10 6
70 „ 80	1 4 0	0 18 0	0 12 0
80 „ 90	1 7 0	1 0 3	0 13 6
90 „ 100	1 10 0	1 2 6	0 15 0
100 „ 110	1 13 0	1 4 9	0 16 6
110 „ 120	1 16 0	1 7 0	0 18 0
120 „ 130	1 19 0	1 9 3	0 19 6
130 „ 140	2 2 0	1 11 6	1 1 0
140 „ 150	2 5 0	1 13 9	1 2 6
150 „ 160	2 8 0	1 16 0	1 4 0
160 „ 175	2 11 0	1 18 3	1 5 6
175 „ 200	2 14 0	2 0 6	1 7 0
200 „ 225	2 17 0	2 2 9	1 8 6
225 „ 250	3 0 0	2 5 0	1 10 0
250 „ 275	3 3 0	2 7 3	1 11 6
275 „ 300	3 6 0	2 9 6	1 13 0
300 „ 325	3 9 0	2 11 9	1 14 6
325 „ 350	3 12 0	2 14 0	1 16 0
350 „ 375	3 15 0	2 16 3	1 17 6
375 „ 400	3 18 0	2 18 6	1 19 0
400 and upwards -	4 1 0	3 0 9	2 0 6

SCHEDULE (B.)

Not exceeding Two-pence per Ton.

For and upon every Ton of the Admeasurement of every Vessel not exceeding One hundred Tons Burthen for each and every Voyage made to and from the said Port and Harbour of New Ross.

Not exceeding Three-pence per Ton.

For and upon every Ton of the Admeasurement of every Vessel (Vessels exceeding One hundred Tons Burthen and Foreign Vessels excepted) for each and every Voyage made to and from the said Port and Harbour of New Ross.

Double the Rates chargeable upon Vessels of the United Kingdom.

For and upon every Ton of the Admeasurement of Vessels of every Kind of any other Nation or Country except those of the United Kingdom of Great Britain and Ireland, and the Colonies, Islands, and Possessions thereunto belonging, for each and every Voyage made to and from the said Port and Harbour of New Ross.

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