

ANNO PRIMO

GEORGII IV. REGIS.

CAP. LXIX.

An Act to alter and amend an Act passed in the Fifty-sixth Year of His late Majesty, for erecting a Harbour for Ships to the Eastward of *Dunleary*, within the Port of *Dublin*; and to provide for the Erection of a Western Pier to the said Harbour of *Dunleary*. [15th *July* 1820.]

WHEREAS an Act was passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for erecting a Harbour for Ships to the Eastward* 56 G.3. c. 62. *of* Dunleary, *within the Port of* Dublin: And whereas by virtue of the said Act, and for the Purpose of forming an Asylum Harbour to the Eastward of *Dunleary*, a Pier has been commenced, and is considerably far advanced, and is likely to be completed by the Funds provided by the said Act on the Shipping and Trade to the Port of *Dublin*: And whereas it is found expedient in order to make the said Harbour a complete and perfectly safe Asylum or Place of Refuge, not only to the Ships and Vessels trading to the Port of *Dublin*, and to the Ships and Vessels of His Majesty's Navy which may be in the *Irish Channel*, but to all the Shipping Interests trading or passing through *Saint George's Channel* and the *Irish Sea*, to erect a Second Pier to the West of the said Pier which has been so commenced, and the Erection of the said Second Pier not having been in the Contemplation of the Merchants and Traders of the City of *Dublin*, sufficient

Means or Funds were not provided under the said recited Act for the Erection thereof: And whereas by an Act passed in the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, 52G.3.c.115. intituled *An Act to make more effectual Provision for enabling the Corporation for preserving and improving the Port of* Dublin, *to erect, repair, and maintain Light Houses and Lights round the Coasts of* Ireland, *and to raise a Fund for defraying the Charge thereof,* certain Tonnage Rates were charged, and under the said Act have been levied on all Ships or decked Vessels passing any Light House or Light Houses, or Floating Light, on the Coast of *Ireland*, and certain Rates and Duties were also charged upon every Entry Inwards and on every Entry Outwards of any Ship or Vessel made in any Port of *Ireland*, and upon every Entry, Cocket, or Warrant in any such Port for shipping any Goods, Wares, or Merchandize, Inwards or Outwards, or from any Port in *Ireland* to any other Port therein, for purchasing Ground for, and for building New Light Houses, and for repairing, fitting up, completing, and keeping in Repair the several Light Houses, Light Ships, Floating Lights, Beacons, and Sea Marks which have been or may be erected and built, or placed round the Coasts of *Ireland*: And whereas when the Works, authorized by the said Act of the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, shall be completed, there will be a considerable Surplus of Duties over and above what may be necessary for the lighting and keeping in repair the several Light Houses, Light Ships, Floating Lights, Beacons, and Sea Marks, and it will be of the greatest Advantage and Means of Safety to all Merchantmen trading through *Saint George's Channel* and the *Irish Sea*, as well as to His Majesty's Ships and Cruizers, to complete the said Second Pier as speedily as possible, which cannot be done unless such Surplus Duties or a Part thereof shall be appropriated towards the Erection of the said Second Pier at the Harbour of *Dunleary*: Be it therefore enacted by the King'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, That out of the Duties or Balances of Cash paid into the Receipt of His Majesty's Exchequer in *Dublin*, to the Use of the said Corporation, for preserving and improving the Port of *Dublin*, or remaining in the Hands of the said Corporation, in each and every Year, ending on the Fifth Day of *January*, raised and levied under and by virtue of the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, there shall be paid into the said Exchequer, to the Credit of the Consolidated Fund in *Ireland*, the Sum of Four thousand Pounds, to be appropriated in Manner herein-after mentioned, for the Purposes of the said recited Act of the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, in Aid of the Funds thereby provided, subject to the Exception herein-after contained.

4,000*l.* annually out of the Duties raised under 52G 3.c.115. shall be paid into the Exchequer for the Purposes of the recited Act of 56 G.3. c.62.

II. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to order, by his or their Warrant to the Vice Treasurer of *Ireland* for the Time being, to advance and pay out of the Consolidated Fund, arising in *Ireland*, to the said Commissioners appointed to carry into Effect the said Act of the Fifty-

60,000*l.* Irish Currency to be paid out of Consolidated Fund to the Commissioners under 56 G.3. c.62.

sixth Year of the Reign of His said late Majesty, from Time to Time, any Sum or Sums of Money not exceeding the Sum of Sixty thousand Pounds *Irish* Currency net, at such Times, and in such Proportions as the said Lord Lieutenant, or other Chief Governor or Governors of *Ireland* shall direct.

The 4,000*l.* per Annum and all Sums levied under the recited Act of 56 G. 3. c. 62. to form an aggregate Fund.

III. And whereas the said intended Second Pier must of Necessity be erected out of the same Quarries, and the Materials moved on the same Inclined Planes and Railways now in use for the said Pier which has been already commenced, and it would be therefore impossible to keep a true, separate, and distinct Account of the Expenditure on each Pier; be it therefore enacted, That all such Cash, or Sum of Four thousand Pounds, as shall be paid into the Receipt of His Majesty's Exchequer in *Dublin;* and all the Duties to be hereafter levied under the said Act of the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, for *Dunleary* Harbour, and paid into the said Exchequer, shall form one aggregate Fund towards the Discharge of all Sums which have been, or shall hereafter be advanced out of the said Consolidated Fund of *Ireland*, by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, under the said Act of the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, or under this Act.

Repeal of Provision of 56 G. 3. c. 62. for a separate Account.

IV. And whereas it is expedient that a separate and distinct Account of such aggregate Fund should be kept in the said Exchequer, and that so much of the said Act of the Fifty sixth Year of the Reign of His said late Majesty King *George* the Third, as directs a separate and distinct Account of all Money which shall be paid into the said Exchequer on account of the said Duties imposed by the said last recited Act should be repealed; be it therefore further enacted, That so much of the said Act of the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, as directs a separate and distinct Account of the Duties in the said Act mentioned, to be kept in the said Exchequer, shall be, and the same is hereby repealed.

A separate Account of such aggregate Fund to be kept;

and Fund to be applied in Payment of Principal and Interest of the Sums advanced:

V. And it is hereby further enacted, That in lieu thereof a separate and distinct Account of such aggregate Fund shall be kept in the said Exchequer, and so much thereof as shall be sufficient to answer and pay all Interest and Sinking Fund due at the Rate aforesaid, upon all Sums which have been, or shall be from Time to Time advanced, shall, on the Fifth Day of *January* in every Year, be carried to and made Part of the Consolidated Fund of *Ireland;* and every such Sum and Sums of Money arising therefrom, as shall exceed the Amount of such Interest and Sinking Fund, shall in like Manner be carried to and made Part of the Consolidated Fund of *Ireland*, towards the Discharge, Repayment, and Satisfaction of the Principal Sum or Sums which has or have been, or shall hereafter be advanced, until the whole Amount of such Principal Sum and Sums shall be carried to and made Part of the Consolidated Fund, in Discharge, Repayment, and full Satisfaction of all such Principal Sums which have been or shall be advanced, and in Payment of the Interest and Sinking Fund thereof in the meantime, and when the Whole of all such Principal Sums

When paid, the 4,000*l.* per Annum shall revert to the Corporation, &c.; Sums and Interest as aforesaid shall be so discharged, repaid, and satisfied in Manner aforesaid, the before-mentioned Sum of Four thousand Pounds *per Annum* shall revert to the said Corporation for preserving and improving the Port of *Dublin*, and shall cease to be applied to the Purposes of the said recited Act of the Fifty-sixth Year of the Reign of His said late Majesty, or of this Act, and shall thereafter be applied by the said Corporation, under the Directions, or with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, in the progressive Improvement of the Harbours and Navigation of *Ireland*, and all the Duties arising from the said recited Act of the Fifty-sixth Year of the Reign of His said late Majesty shall cease and determine, and be no longer leviable and payable under the Authority of the said Act.

and the Duties under recited Act 56 G. 3. c. 62. shall cease.

Lord Lieutenant to appoint a Harbour Master for Dunleary Harbour.

VI. And whereas great Inconvenience may arise from the occasional crowded State of the said Harbour of *Dunleary*, and the Want of Regulation in mooring the Vessels therein; be it therefore further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time to appoint, according to the Mode now practised, a proper and sufficient Person to act as Harbour Master within the said Harbour, and to remove any Harbour Master so appointed, and to appoint another in his Room or Stead, with such Salary or Allowance as to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall seem fitting and expedient; such Salary or Allowance to be paid out of the said Consolidated Fund, by Order of the Lord Lieutenant or Chief Governor or Governors of *Ireland* for the Time being, which Order the Lord Lieutenant or other Chief Governor or Governors of *Ireland* is and are hereby empowered to make.

The Payment of the annual Sum of 4,000*l.* shall not commence till such Sum shall have arisen out of the Surplus of the Light Duties, &c.

VII. Provided always, and be it further enacted, That the said Payment of Four thousand Pounds shall not commence until it shall appear by the annual Report of the Commissioners of Public Accounts in *Ireland*, that an actual Surplus, amounting to the Sum of Four thousand Pounds over and above what will be sufficient to complete and finish all Works begun or determined to be begun by the said Commissioners under the Authority of the said recited Act, actually exists at the Time in His Majesty's Exchequer out of the Produce of the said Duties, and also over and above a sufficient annual Sum for the maintaining all Light-houses and other Works executed by the said Corporation under the Authority of the said Act, and such Sums as the said Commissioners of Public Accounts shall upon Estimate on Oath judge expedient or necessary to be reserved for Repairs, Casualties, and contingent Expences.

The 4,000*l.* not to be paid until that Surplus is in the Exchequer.

Charges on the Rates.

VIII. And be it further enacted, That such Sum of Four thousand Pounds shall not be paid to the Credit of the Consolidated Fund, in or for any Year in which it shall not appear by the annual Report of the said Commissioners that such annual Surplus as aforesaid actually exists in His Majesty's Exchequer: Provided also, that whenever any Dues or Rates shall be imposed upon Vessels frequenting

quenting or using the said Harbour, as well the said Sum of Sixty thousand Pounds so to be advanced out of the Consolidated Fund as aforesaid, as any Sums which may have been paid as aforesaid out of the Funds or Dues of the aforesaid Corporation for improving the Port and Harbour of *Dublin*, shall be charged upon and made payable out of the said Dues or Rates previously to all other Charges thereupon, excepting the necessary Expences of maintaining the said Harbour.

Power of Harbour Master to moor and remove Vessels.

IX. And be it further enacted, That every such Harbour Master shall have full Power and Authority to direct the mooring, unmooring, moving, and removing, of all Ships or other Vessels coming into or lying or being in the said Harbour, or any Part thereof, or any Place being within the Distance of Five hundred Yards of the Entrance or Mouth of the said Harbour, and to appoint and regulate the Time or Times, and the Manner of their Entrance into, lying in, or going out of or from such Harbour, save and except in stormy or tempestuous Weather, and to regulate and determine the Position of such Ships and other Vessels; and in case any Owner, Master, or other Person, having the Charge or Command of any such Ship or other Vessel, shall refuse or neglect to moor, unmoor, place, move, or remove his Ship or Vessel, according to such Direction, immediately when Notice to him or them shall be given, or left with any Person or Persons on board of such Ship or Vessel for that Purpose, every such Owner, Master, or other Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and it shall and may be lawful to and for the said Harbour Master and his Assistants, and he or his Assistants are hereby required to moor, unmoor, place, move, or remove such Ship and Vessel accordingly; and in case any Master, Commander, Mate, Pilot, or other Person or Persons taking Charge or Command of any Ship or other Vessel, or any other Person or Persons whatsoever, shall obstruct or hinder the mooring, unmooring, placing, moving, or removing of any Ship or other Vessel lying or being in the said Harbour, or being within the Distance of Five hundred Yards of the Entrance or Mouth of the said Harbour, then and in every such Case, such Person or Persons so offending, shall for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds; the said Penalties respectively to be applied by the said Commissioners and their Successors, at their Discretion, to the Purposes of the said recited Act of the Fifty-sixth Year of the Reign of His said late Majesty, and of this Act, but to be accounted for by them with their other Disbursements.

Penalty on Masters of Vessels neglecting Directions, 10*l*.

Penalty for Obstruction, 20*l*.

Commissioners may sell Lands vested in them, which shall not be necessary for the Purposes of this Act, with the Consent of the Lord Lieutenant.

X. And be it further enacted, That it shall and may be lawful for the Commissioners appointed for the Execution of the said Act of the Fifty-sixth Year of the Reign of His said late Majesty King *George* the the Third, for the Time being, or any Three of them, with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to sell or demise any Part of any Land or Ground vested in the said Commissioners, and which shall not be required for the Purposes of the said Act or for this Act, to any Person or Persons willing to purchase the same, or to take the same on Lease for the Purpose of erecting thereon any House or

Houses for the Residence of the said Harbour Master, or for any Officers of Customs or Excise stationed at the said Harbour, or for such other Purpose relative to the said Harbour as such Lord Lieutenant or other Chief Governor or Governors, shall from Time to Time authorize, direct, or appoint; and for that Purpose the said Commissioners for the Time being are hereby authorized to execute Conveyances, Assignments, Contracts, or Demises of such Parts as shall be so sold or let, and the Purchase Money on such Sale or Sales, or the Rent or Rents reserved on such Demises respectively, shall be paid by the said Commissioners, for the Time being, into the Receipt of His Majesty's said Exchequer in *Dublin*, on account of the said Consolidated Fund, toward making good such Sum or Sums as shall be advanced thereout under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, for the Purposes of the said recited Act of the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, and of this Act.

Penalty on Persons bathing, &c. near the Pier, 20*s*.

XI. And be it further enacted, That in case any Person or Persons, not authorized by the said Commissioners or any Three of them, shall fish or spread any Nets within or on or from the said Piers, Walls, or Quay Footways, at any Time; or bathe in the Water inclosed within the Limits of the said Piers, or within One Hundred Yards thereof, after the Hour of Ten of the Clock in the Forenoon, (except at the Bathing Place for Females to the Westward of the Building, known by the Name of the *Old Coffee House*); every Person or Persons so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Shillings.

Penalty on graving or breaming Ships except at appointed Places, 20*l*.

XII. And whereas great Danger and Inconvenience may be experienced from Ships being breamed or graved in improper Places, or at improper Times in the said Harbour; for Remedy whereof be it further enacted, That no Ship or Vessel, Lighter, Barge, Boat, or other Craft whatever, shall be graved or breamed afloat in the said Harbour, or at any other Place or Places on Shore, within the said Harbour, or at any other Time than such as shall be ordered or directed by the Harbour Master of the said Harbour for the Time being, acting under the Authority of the said Commissioners for the Time being, upon Pain that every Person offending therein, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Power to Persons to be appointed by the Commissioners to act as Constables.

XIII. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the said Commissioners to appoint One or more Person or Persons, to act as Constable or Constables, Officer or Officers of the Peace within the said Harbour, as well afloat as on Shore, and upon all the Piers and other Works thereof, for the duly enforcing the Regulations, Rules, and Orders relating to the said Harbour, or Vessels or Persons resorting thereto, excepting to Vessels and Persons actually under Quarantine, and to Vessels and Persons belonging to His Majesty's Revenue of Customs and Excise within the said Harbour, and for the Preservation of the said Harbour and Pier and Works, and in all Matters and Things relating thereto, and

and to the Preservation of the Peace and good Order, and the Prevention of Damage or Accidents within the same; provided that all such Persons shall first take the Oaths in that Behalf prescribed, which said Oaths any One or more Justice or Justices of the Peace, having Jurisdiction within the County of *Dublin*, is and are hereby authorized and required to administer to every such Constable or Officer, on Application made to him or them for that Purpose.

Corporation for improving Port of Dublin to support and maintain the Harbour.

XIV. And whereas by the said Act of the Fifty-sixth Year of His late Majesty it is enacted, that when the said Harbour of *Dunleary* should be completed, it should be from thenceforth vested in the said Corporation for preserving and improving the Port of *Dublin*, but no Funds are provided or appropriated by the said Act for preserving and keeping the said Harbour in repair; be it therefore enacted, That the said Corporation shall and may, and they are hereby authorized and empowered to preserve and support the said Harbour of *Dunleary*, out of the Light House Duties arising and coming into their Hands after the said Harbour shall be so transferred to them.

Recovery of Penalties.

XV. And be it further enacted, That all Penalties to be incurred under this Act shall be recovered, levied, and applied in the Manner directed by the said recited Act of the Fifty-sixth Year of the Reign of His late Majesty.

52 G. 3. c. 115. and 56 G. 3. c. 62. (except where altered) to continue in Force.

XVI. And be it further enacted, That the said recited Acts of the Fifty-second and Fifty-sixth Years of the Reign of His said late Majesty King *George* the Third, and all the Provisions and Clauses therein contained, shall be and continue in full Force and Effect, except so far as the same are altered, amended, or repealed by this Act.

Expences of the Act.

XVII. And be it enacted, That it shall and may be lawful to and for the said Commissioners of *Dunleary* Harbour to pay and reimburse themselves out of the Public Money and Funds in their Hands, all such Costs, Charges, and Expences as they shall be put to in obtaining this Act.

Public Act.

XVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1820.