ANNO PRIMO & SECUNDO

# VICTORIÆ REGINÆ.

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## C A P. XXXVI.

### An Act to make further Provisions and to amend the Acts relating to the Harbour of *Kingstown* and the Port and Harbour of *Dublin*.

[27th *July* 1838.]

WHEREAS by an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for promoting the Trade of* Dublin, *by rendering its Port and Harbour more commodious,* (26 G. 3. (I.)) and by certain other Acts relative to the said Port and Harbour, the Corporation for preserving and improving the Port of *Dublin* are authorized to levy certain Rates and Duties upon all Ships and other Vessels coming into the said Harbour of *Dublin*, and on the Goods and Cargoes thereof: And whereas by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the several Acts relating to the Harbour of* Kingstown, (6 & 7 W. 4. c. 117.) it was enacted, that all the Powers and Privileges, save as therein excepted, of the said Corporation, relative to the collecting any such Rates and Duties on any Ships or other Vessels resorting to *Kingstown* Harbour, or the Space of Five hundred Yards beyond the Entrance thereof, should cease, and that the like Powers and Privileges should become vested in the Commissioners of *Kingstown* Harbour, who were thereby authorized to levy certain Rates and Duties by way of Tonnage upon all Ships and other Vessels resorting to the



said

said Harbour or Space beyond the Entrance thereof: And whereas Doubts have arisen as to the Right of the said Corporation, since the passing of the said last-mentioned Act, to levy Rates and Duties upon Ships or other Vessels proceeding from *Kingstown* Harbour to other Parts of the Port of *Dublin*, upon which their proper Rates and Duties may have been already levied by the said Commissioners of *Kingstown* Harbour, and it is expedient to remove the said Doubts, and to make the Rates payable to the said Commissioners in all respects similar to those now or from Time to Time to be payable to the said Corporation; be it therefore 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, That from and after the passing of this Act so much of the said Acts as regulate the Amount of any Rates and Duties to be levied by way of Tonnage upon any Ships, Vessels, or other Bottoms coming into the said Harbour of *Kingstown*, or within Five hundred Yards beyond the Entrance thereof, shall be repealed.

So much of said Acts as regulate the Tonnage Rates repealed;

and in lieu of such Rates and Duties the Commissioners of Kingstown Harbour to collect the same Rates and Duties as the Corporation for preserving and improving the Port of Dublin.

II. And be it enacted, That in lieu of such Rates and Duties there shall be levied and collected by the said Commissioners of *Kingstown* Harbour, or by their Officer duly authorized in that respect, upon each and every Ship, Vessel, or other Bottom of which the whole of the Cargo shall be taken in or discharged in *Kingstown* Harbour, and in respect of every Article, Matter, and Thing landed on or loaded from the Wharfs of the said Harbour of *Kingstown*, such and the like Rates and Duties, Sum and Sums of Money, Pilotage and Light Duties excepted, as the said Corporation for preserving and improving the Port of *Dublin* are or may be by any Act or Acts now in force in *Ireland* entitled to levy and collect in other Parts of the Port of *Dublin*; and upon each and every Ship, Vessel, or other Bottom of which a Part only of the Cargo shall be taken in or discharged in *Kingstown* Harbour, and the Remainder in other Parts of the Port of *Dublin*, and upon such Articles, Matters, and Things as aforesaid, so much of the said Rates and Duties, Sum and Sums, as bear the same Proportion to the whole of the said Rates and Duties that the Part so taken in or discharged bears to the whole of the said Cargo.

In case of Part only of Cargo discharged or taken in at Kingstown, the said Corporation to charge only proportionably.

III. And be it enacted, That in every Case where a Part only of the Cargo of any Ship, Vessel, or other Bottoms shall be so taken in or discharged in *Kingstown* Harbour, and the Remainder in other Parts of the Port of *Dublin*, it shall (notwithstanding any Law or Custom to the contrary) be lawful for the said Corporation, or their Officer duly authorized in this respect, to levy and collect upon any such Ship, Vessel, or other Bottoms only so much of the Rates and Duties which they may be otherwise entitled to levy and collect as bears the same Proportion to the whole of the said Rates and Duties that the Part of the Cargo so taken in or discharged in other Parts of the Port of *Dublin* bears to the whole of the said Cargo, and no more.

The entire of the Rates and Duties

IV. And for the more convenient collecting of the said Rates and Duties, Sum and Sums of Money, and with a view to the Accommo-



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dation of the Trade to the Port of *Dublin* and *Kingstown* Harbour, be it enacted, That the entire of the Rates and Duties so payable to the said Commissioners and Corporation respectively shall, in all Cases when Ships, Vessels, or other Bottoms first begin to land or take in their Cargoes at *Kingstown* Harbour, and shall afterwards discharge or take in the Remainder of their Cargo at *Dublin*, be paid to the proper Officer of the Commissioners of the said Harbour; and the Proportion thereof to which the said Corporation shall be entitled under the Provisions herein-before contained shall be duly accounted for and paid over by the said Commissioners to the said Corporation; and so likewise in all Cases where Ships, Vessels, or other Bottoms first commence landing or taking in their Cargo at the Wharfs or Quays of *Dublin*, and shall afterwards discharge or take in the Remainder of the Cargo at *Kingstown*, the entire of the Rates and Duties payable by or in respect of such Ship, Vessel, or other Bottom shall be paid to the proper Officer of the said Corporation; and the Proportion thereof to which the said Commissioners shall be entitled under the Provisions herein-before contained shall be duly accounted for and paid over by the said Corporation to the said Commissioners.

to be paid where Vessel first begins to take in or discharge.

V. And be it enacted, That every Ship, Vessel, or other Bottom of which the whole of the Cargo shall be taken in or discharged in *Kingstown* Harbour, and on which the Rates and Duties shall have been paid, shall at the End of the same Trip or Voyage be freed and discharged from the like Rates and Duties in any other Part of the Port of *Dublin*; and every Ship, Vessel, or other Bottom of which the whole of the Cargo shall be taken in or discharged in other Parts of the Port of *Dublin* shall in like Manner be freed and discharged at the End of the same Trip or Voyage from the like Rates and Duties in *Kingstown* Harbour.

Ship laden or unladen at Kingstown free of the Port of Dublin, and vice versâ.

VI. And be it enacted, That whenever it shall be necessary to lighten any Ship, Vessel, or other Bottom, in order the more easily to proceed to other Parts of the Port of *Dublin*, by discharging a Part of the Cargo into any other Ship, Vessel, or other Bottom afloat in *Kingstown* Harbour, it shall not be lawful for the said Commissioners to levy and collect the said Rates and Duties on any such Ship, Vessel, or other Bottom, unless the said Cargo or any Part thereof shall be afterwards landed at the said Harbour.

No Rates to be paid on a Vessel being lightened of Part of her Cargo.

VII. Provided always, and be it enacted, That nothing in this Act contained relative to the levying of such Rates and Duties as aforesaid shall extend or be construed to extend to any Ships or Vessels belonging to Her Majesty, Her Heirs or Successors, nor to any Yacht, Light Ship, Tender, or Pilot Boat belonging to and while in the Employment of the said Corporation for preserving and improving the Port of *Dublin*.

Nothing in this Act to extend to Her Majesty's Ships.

VIII. And be it enacted, That if any Master, Commander, or other Person having Charge of any Ship or other Vessel, or any Owner or Consignee, or any other Person owning or having Charge of any Goods, Wares, Merchandize imported into or exported or intended to

Masters or Commanders of Vessels evading Payment of

Duties to forfeit Treble the Amount.

to be exported from the said *Kingstown* Harbour, shall by short Entries or by any other Means whatsoever at any Time or Times evade or attempt to evade the Payment, either in the Whole or in any Part, of any of the Rates or Duties made payable by this or by any former Act having relation to the said Harbour, each and every Person so evading or attempting to evade Payment thereof as aforesaid shall stand charged with and forfeit and pay a Sum equal to Treble the Amount of the Rates or Duties so evaded or attempted to be evaded; and such Sum shall be recovered from such Master, Owner, Consignee, or other Person or Persons respectively in such Manner as by the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth is directed for levying and recovering Penalties and Forfeitures.

No Vessel to sail from the Harbour without a Clearance under Penalty of 20*l*., to be recovered as herein mentioned.

IX. And be it enacted, That no Ship or other Vessel which shall arrive in the said Harbour shall sail therefrom without first paying to the said Commissioners of the said Harbour, or to their Officer, who shall be appointed by the said Commissioners to receive the same, the full Amount of all such Tonnage Rates, Ballast Rates, Quayage Rates, and all such other Rates, Duties, Penalties, and Sums of Money as shall be payable in respect to such Ship or Vessel, or the Cargo thereof, or the Owner, Master, or Commander thereof, and without having obtained a Discharge or Clearance from the said Commissioners, or from the Persons having Authority under this Act to give the same; and if any Ship or other Vessel shall sail without having paid such Rates, Duties, Penalties, and Sums of Money as aforesaid, the Owner, Master, or Commander thereof shall forfeit to the said Commissioners the Sum of Twenty Pounds, and shall be also respectively personally subject and liable to the Payment of the full Amount of all such Rates and Duties as shall be then so due and payable; and it shall and may be lawful to and for the said Commissioners, at any Time after such Ship or other Vessel shall have so sailed, to recover the Amount of the said Rates, Duties, Penalties, and Sums of Money by an Action at Law against such Owner, Master, or Commander in any of Her Majesty's Courts of Record in this Kingdom, or by Civil Bill, at the Option of the said Commissioners, and to arrest and implead such Owner, Master, or Commander, and to hold him to Special Bail in such Action, the chief Collector of the said Harbour, or the Secretary of the said Commissioners, first ascertaining the Amount of such Rates, Duties, and Penalties, and Sums of Money, as shall be so due and payable, by Affidavit before a Judge of or any Officer or Person authorized to take Affidavits in the Court in which such Action shall be intended to be brought, or before a Magistrate or Person authorized to take Affidavits in such Behalf; and such Ship or Vessel so sailing shall be liable to and charged and chargeable as well with the said Forfeiture of Twenty Pounds as with all such Rates, Duties, Penalties, and Sums of Money as shall be so due and payable as aforesaid, and such reasonable Expences as shall be necessarily incurred by the said Commissioners or their Officers in consequence of such Ships so sailing; and it shall and may be lawful for the said Commissioners, by Warrants under their Hands or the Hands of any Two of them, to be directed to such Person or Persons as they shall think fit for that Purpose, at any Time after the said Ship or other Vessel

Any Vessel chargeable with Penalty and Duties may be seized in any Part of the United Kingdom.

Vessel shall have so sailed, to seize and distrain such Ship or other Vessel, if found within any Port, Harbour, or Creek within the United Kingdom, and all her Sails, Masts, Rigging, Tackle, and Furniture, for the Payment of the said Forfeiture, and of all such Arrears of the said Rates, Duties, Penalties, and Sums of Money as shall be then payable upon or in respect of such Ship or other Vessel by such Master or Commander, and whether such Ship or other Vessel shall at the Time of such Seizure belong to the same Person, or be commanded by or be in charge of the same Master or Commander who commanded or had the Charge of the same at the Time the said Ship or Vessel so sailed, or not; and in case the said Penalty, and all such Arrears as aforesaid of the said Rates and Duties, and also the said Exepnces, shall not be paid to the said Commissioners or their proper Officer within Seven Days after such Seizure, it shall and may be lawful to and for the said Commissioners, or the Person or Persons to whom such Warrant shall have been directed as aforesaid, to sell and dispose of the said Ship or other Vessel, and all her Sails, Masts, Rigging, Tackle, and Furniture, or so much thereof as shall be sufficient for Payment of the said Penalty of Twenty Pounds, and all such Arrears of the said Rates, Duties, Penalties, and Sums of Money as shall be so due and payable as aforesaid, and the said Expences; and it shall be at the Discretion of the said Commissioners either to enforce Payment of the said Penalty of Twenty Pounds, Rates, Duties, Penalties, and Sums of Money, from such Owner, Master, or Commander aforesaid, or by seizing or distraining such Ship or other Vessel, and the Sails, Masts, Rigging, Tackle, and Furniture thereof as aforesaid.

Officer of Commissioners to grant a Certificate on Payment of Duties, upon Production of which the Collector of Customs at Dublin to give a Clearance.

X. And be it enacted, That it shall be lawful for the Officer or Officers to be from Time to Time for that Purpose appointed by the said Commissioners of *Kingstown* Harbour, on Payment of all Rates and Duties payable in respect of such Ship or Vessel to the said Commissioners, to grant a Certificate of such Payment, upon the Production of which the Collector or other proper Officer of Customs of the Port of *Dublin* shall be authorized to clear out or discharge any Ship or other Vessel of which a Part of the Cargo shall be discharged or taken in at *Kingstown* Harbour, and upon which the said Rates and Duties shall have been duly paid to the Person or Persons authorized by the said Commissioners to collect and receive the same; and such Clearance and Discharge shall have the same Effect in Law in all Parts of the said Port of *Dublin*, as far as relates to any Liability of the said Rates and Duties, as if the same had been granted by the said Corporation for preserving and improving the Port of *Dublin*, or by their proper Officer appointed for that Purpose.

Commissioners may make and vary Rules and Regulations;

XI. And be it enacted, That, notwithstanding any thing in the said recited Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth to the contrary, it shall and may be lawful for the said Commissioners of *Kingstown* Harbour from Time to Time to make, alter, or vary any Rules, Bye Laws, and Regulations, according as to them may seem fit and expedient, not being contrary to the Provisions of any Statute or Law in force in *Ireland* for regulating and preserving the Moorings in and belonging to the said

Harbour, and for regulating the mooring and unmooring of Ships or other Vessels coming into or going out of the said Harbour, or the Space of Five hundred Yards beyond the Entrance thereof, and fixing the proper Stations therein to be occupied by the several Ships, Vessels, Lighters, Barges, Boats, or other Craft being in the same, and for regulating the licensing, in the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth mentioned, of all Boats, Wherries, and other Craft plying in the said Harbour, and of all the Parties or other Persons employed in and about the said Harbour, and fixing the Limits within which Boats, Wherries, and other Craft so licensed shall ply, and for regulating the Conduct and Direction of the Masters and Commanders, or other Person or Persons in charge of any Ship or other Vessel coming into and remaining in or going out of the said Harbour, and also for regulating the Conduct and Direction of the Owner or Proprietor or other Person or Persons in Charge or Management of any Boats, Wherries, or other Craft plying in or which shall arrive at or enter the said Harbour, and also for regulating the Conduct and Direction of all Persons who shall frequent the Piers, Wharf, and Quays of the said Harbour, with Coaches, Cars, Carriages, Carts, Drays, or other Vehicles, and ply the same for Hire, and of all Persons who shall have been or may hereafter be licensed to act as Porters or in any other like Capacity in and about the said Harbour, or the said Wharf, Piers, and Quays, and for fixing and regulating the Rates or Prices, Sum or Sums of Money, which it shall be lawful for such Owners or Proprietors or other Person in the Care and Management of such Boats, Wherries, or other Craft, or for such Porters or other Persons aforesaid licensed under the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, to demand and receive from the Person or Persons who shall employ them, according to their several and respective Occupations, and also for the regulating of any other Matter, Thing, or Purpose connected with the said Harbour, or upon the Wharfs, Quays, or Piers belonging to the same.

and affix Penalties in respect of Offences against such Rules and Regulations.

XII. And be it enacted, That it shall be lawful for the said Commissioners of *Kingstown* Harbour and they are hereby authorized to fix and specify in the said Rules and Regulations such Penalties to be inflicted on any Person or Persons offending against the same as to them shall seem expedient, and not already fixed by any of the Provisions of the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth; the same to be recovered in the like Manner as Penalties and Forfeitures generally under the said Act are directed to be recovered: Provided always, that no such Penalty or Fine, except it is otherwise specially provided by the said Act, shall exceed the Sum of Forty Shillings for each Offence.

The Provisions of 6 & 7 W. 4. may be used for the Purposes of this this Act.

XIII. And be it enacted, That the Powers and Provisions contained in the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, for or in respect of the Collection of the Rates and Duties thereby imposed, and for distraining and selling for the same, and the accounting for Monies by the Officers of the said Commissioners, shall be extended to and may be used for the Purposes of this Act.

XIV. And

Application of Monies made payable by this this Act.

XIV. And be it enacted, That the Sum and Sums of Money imposed or made payable by this Act or any other Act relative to the said Harbour shall be applied by the said Commissioners to and for the Purposes directed in the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth: Provided always, that nothing herein contained shall prejudice or affect the Right or Power now vested in the said Commissioners to supply Ballast to Ships and other Vessels in said Harbour under and by virtue of the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth.

Powers of this Act may be exercised by any Two Commissioners.

XV. And whereas the Duties heretofore performed by certain Commissioners appointed by the Lord Lieutenant or the Commissioners of Her Majesty's Treasury have lately been transferred from such Commissioners to the Commissioners for the Extension and Promotion of Public Works in *Ireland*, and it is expedient to provide that all such Duties relative to the said Harbour, though heretofore requiring Three or more of such Commissioners, should, when transferred to the said Commissioners for the Extension and Promotion of Public Works, be performed by any Two of the said Commissioners last mentioned; be it therefore enacted, That the Powers and Authorities in and by this Act, or by an Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, relative to the said Harbour, or by the said Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, or any of them, given to the said Commissioners, shall and may, so far as relates to the said Harbour, be exercised and performed by any Two of them, any thing in any Act now in force requiring a greater Number of Commissioners or other Persons for such Duty or Service notwithstanding.

Frontage Rate for Quay Walls of the River Anna Liffey to cease from 1st July 1838.

XVI. And whereas under several Acts the building, Repair, and Preservation of the Quay Walls of the River *Anna Liffey* was entrusted to the said Corporation for preserving and improving the Port of *Dublin*, and in consideration thereof a certain Assessment or Frontage Rate was imposed upon Grounds, Houses, and Buildings adjoining and fronting any of the Quays of the said River: And whereas the Quay Walls Westward of the Bridge called *Carlisle Bridge*, and extending to the Bridge called *Barrack Bridge*, have been built, and are now in good Order and Repair, and will not require for the maintaining or repairing of the same a Sum equal to the full Amount of the Duty or Rate heretofore leviable upon the Inhabitants of that Part of the said Quays; be it therefore enacted, That from and after the First Day of *July* One thousand eight hundred and thirty-eight the said Rate or Duty so as aforesaid payable to or leviable by the said Corporation within the Limits aforesaid, and all Arrears thereof, shall cease and determine, and shall not be any longer leviable by the said Corporation.

Presentments for Repairs of Quay Walls, to be raised off the In-

XVII. Provided always, and be it enacted, That whenever the said Corporation shall, on the First Sitting Day of any *Easter* or *Michaelmas* Term, cause to be laid before the Court of Queen's Bench, signed with the proper Names and Handwriting of any Three Members of the said Corporation, and sealed with their Corporate Seal, an Estimate

habitants of Dublin, may in certain Cases be made.

mate of the probable Expence of executing or making any Repairs which shall at any Time or Times be wanting on or by the said Quay Walls within the Limits aforesaid, verified by the Affidavit of Two skilful Persons, or by the Affidavit of the Ballast Master for the Time being of the said Corporation, the said Court of Queen's Bench shall in each and every such Case charge the Grand Jury of the County of the City of *Dublin* and the Grand Jury of the County of *Dublin* to meet in one Room at a certain Time to be named by the said Court, and it shall then be lawful to and for the said Grand Juries, when so assembled, or any Twenty-four Members thereof, and they are hereby required, to present the whole Amount of the Estimate so laid before them to be raised and levied by One Instalment, or by equal Half-yearly Instalments at every *Easter* and *Michaelmas* Term, on and out of all Houses and other Buildings erected or to be erected within the District of the Metropolis, and to be paid by all and every the Owners or Occupiers thereof, and for the raising of such Sum on the said Instalments, as the Case may be, to present a certain Rate of Assessment which shall be agreed on by the said Grand Juries or any Twenty-four Members thereof, of a certain Sum in the Pound, to be levied on the Value of all such Houses or other Buildings, according to the Valuation by which they are now or hereafter may be valued or rated, for or towards the Maintenance of the Police Establishment of the said District; and it shall be lawful for the said Grand Juries, or any Twenty-four Members thereof, to make such Presentment as aforesaid, whether they shall have been previously approved of by the Presentment Sessions for such Counties respectively or not,

This Act to be deemed a Public Act.

XVIII. 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 by all Judges, Justices, and others.

Act may be altered.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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