

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. LXXV.

An Act for the further Improvement of the Fishery Piers and Harbours of *Ireland*. [22d *July* 1847.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to encourage the Sea Fisheries of* Ireland, *by promoting and aiding with Grants of Public Money the Construction of Piers, Harbours, and other Works*, Provision was made of Funds, partly by way of Grant and partly by way of Loan, for the Purposes therein specified; and it is expedient that further Sums of Money should be provided, to be applied in like Manner; and the Powers granted to the Commissioners constituted under that Act were, by another Act passed in the last Session of Parliament, intituled *An Act to extend and consolidate the Powers hitherto exercised by the Commissioners of Public Works in* Ireland, *and to appoint additional Commissioners*, transferred to and vested in the Commissioners of Public Works in *Ireland*: 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 the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* may cause to be issued from Time to Time to the said Commissioners of Public Works in *Ireland*, as they may find necessary for the Purposes

9 & 10 Vict. c. 3.

9 & 10 Vict. c. 86.

Treasury may issue the Sum of 40,000*l.* out of Consolidated Fund.

poses of the said Act, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any further Sum or Sums of Money not exceeding in the whole the Sum of Forty thousand Pounds.

Appropriation of 40,000*l.* and of such further Sums as shall be voted for the Purposes of 9 & 10 Vict. c. 3. and of this Act.

II. And be it enacted, That the said Commissioners of Public Works, with the Approval of the Commissioners of Her Majesty's Treasury, may make Advances by way of Grant to an Amount not exceeding in the whole the Sum of Forty thousand Pounds, and such further Sum or Sums of Money as shall be from Time to Time voted by Parliament to be applied for the Purposes of the first-recited Act and this Act, in the Manner and on the Conditions specified in the said Act concerning any Grant of Money made under the Authority of the said Act; and every Grant of Money made under the Authority of this Act shall be subject to all the Provisions of the Act as fully as if the said Act had authorized the Advance and Appropriation to the Purposes of the said Act of the said further Sum of Forty thousand Pounds, and of any such other Sum or Sums of Money as shall be from Time to Time voted by Parliament as aforesaid; and Loans may be made by the said Commissioners of Public Works in aid of any such Grant in like Manner and upon the like Security as is provided with respect to any Work to be executed under the Provisions of the first-recited Act.

Commissioners to give Notice of existing public Harbours which ought to be vested in them.

III. And be it enacted, That within Twelve Calendar Months after the passing of this Act the said Commissioners, by One or more Notices or Instruments in Writing under the Hands of Two or more of them, shall declare and describe the several Harbours, Piers, Quays, Landing Places, and other Works on the Sea Coast of *Ireland* which within Forty-five Years last passed have been made wholly or in part with public Money advanced for the Improvement of the Fisheries, and which the Commissioners shall deem fit and still useful for the Purposes of the Sea Fisheries, and which, in their Opinion, ought to be vested in the said Commissioners; and a Copy of every such Notice or Instrument shall be published within the said Period of Twelve Calendar Months in the *Dublin Gazette*, and in some One or more Newspapers circulating in the Neighbourhood of the Harbour, Pier, Quay, Landing Place, or other Work to which such Notice relates, and also, if the Commissioners think fit, shall be posted at some public Place in the said Neighbourhood, and by such Notice all Persons interested shall be required, on or before a Day to be named therein, not sooner than Two Weeks from such Publication, to send to the Secretary of the said Commissioners in *Dublin* their Objections, if any, in Writing, to the said Proceedings of the Commissioners.

Certain public Harbours vested in the Commissioners.

IV. And be it enacted, That after the Expiration of the Time so limited for receiving Objections with respect to any such Harbour, Pier, Quay, Landing Place, or other Work the Commissioners shall consider all such Objections, and shall inquire into the Grounds of the same, in such Manner as they think fit; and if thereupon they shall be of opinion, and shall finally determine, that any such public Harbour, Pier, Quay, Landing Place, or other Work should be vested

in them, they shall signify their Determination by an Order under the Hands of Two or more of them, which shall be published in the *Dublin Gazette*; and any such public Harbour, Pier, Quay, Landing Place, or other Work respecting which such Order shall have been made and published as aforesaid, with all Ways, Rights, Members, and Appurtenances thereunto belonging, shall thereupon be vested in the said Commissioners and their Successors, and shall be deemed to be so vested, and shall be maintained and repaired in like Manner as if it had been constructed under the Provisions of the said Act.

Commissioners to apportion the Charge of Repair of Harbours, &c. in case of Insufficiency of Tolls.

V. And be it enacted, That in and by the Order made as aforesaid for vesting any such Harbour, Pier, Quay, Landing Place, or other Work in the Commissioners they shall specify the County which, under the Provisions herein-before contained, shall be liable to be charged with the Costs and Charges of the Repair and Maintenance thereof in case of the Insufficiency of the Tolls, Rates, or Rents accruing thence to the Commissioners to make good the same; and if any such Harbour, Pier, Quay, or Landing Place shall be in or adjacent to more than one County, the Commissioners in and by the same Order shall fix the Proportion in which each of such Counties shall be liable to be charged towards making good such Deficiency; and every such Order shall be binding and conclusive on every such County, and on all Persons whomsoever.

If Tolls, &c. are insufficient to repair Harbour, &c. Commissioners may execute the same out of Loans for Public Works.

VI. Provided always, and be it enacted, That if the Tolls, Rates, or Rents accruing to the said Commissioners from any Harbour, Pier, Quay, Landing Place, or other Work vested in them under the Provisions of the first-recited Act or of this Act shall be insufficient to defray the Charge of the Maintenance and Repair thereof, the Commissioners may from Time to Time execute such Repairs out of any Monies in their Hands applicable for Loans for Public Works, and shall in every such Case draw up an Award specifying the Amount of the Sums expended by them in and about such Repairs, and all Expences incident thereto, over and above the Amount of the said Tolls, Rates, and Rents applicable thereunto, and deducting any Sum which under the Power herein-after contained shall have been advanced by them by way of Grant for the first Repair of any Harbour, Pier, Quay, Landing Place, or other Work vested in them under this Act, and shall charge such Amount, with Interest, upon the County or Counties in or adjacent to which such Pier, Harbour, Quay, Landing Place, or other Work is situated; and the Commissioners shall sign such Award under the Hands of Two or more of them; and every such Award shall be deemed a final Award of the Commissioners, such as they are empowered by the first-recited Act to make, as soon as any Work for the Purposes of the said Act is completed, and shall be dealt with in like Manner, and be of the like Force and Effect; and all Proceedings in respect thereto shall be had as by the said Act is provided with respect to Proceedings upon any such final Award of the Commissioners.

First Repairs of old Harbours, &c. may be exe-

VII. Provided always, and be it enacted, That the Commissioners, with the Approval of the Commissioners of Her Majesty's Treasury, may, if they think fit, out of the said Sum of Forty thousand Pounds,

or

cuted partly by Grant out of 40,000*l*.

or any further Sum which shall be from Time to Time voted by Parliament for the Purpose of the first-recited Act and this Act, advance by way of Grant any Part of the Expences of the first Repair of any Harbour, Pier, Quay, Landing Place, or other Work vested in them under this Act, and previously to such first Repair such Proceedings shall be had and taken as by the said first-recited Act are required to be previously had or taken in the Case of any new Pier, Quay, Harbour, or other Work the Expence of which is partly to be paid by any County or District.

This Act and first-recited Act to be construed as one.

VIII. And be it enacted, That this Act and the first-recited Act as amended by this Act shall be construed together as one Act.

Act may be amended, &c.

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

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