



## CHAPTER xl.

An Act for making further provision for the Improvement, Maintenance, and Management of the Harbour of Wexford ; for dissolving and reconstituting the Wexford Harbour Commissioners ; and for other purposes. [30th June 1874.] A.D. 1874.

WHEREAS by an Act passed in the sixth and seventh years of the reign of Her present Majesty, intituled "An Act for improving, maintaining, and regulating the Harbour of Wexford, in the county of Wexford," (herein-after called "the Act of 1843,") certain persons were constituted Commissioners for carrying that Act into execution under the name of "The Wexford Harbour Commissioners;" and powers for the improvement, maintenance, and regulation of the said harbour were thereby vested in them : 6 & 7 Vict.  
c. xli.

And whereas by an Act passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, intituled "An Act to dissolve the present body of the Wexford Harbour Commissioners and to appoint new Commissioners, and for other purposes," (herein-after called "the Act of 1862,") a new body of Commissioners was incorporated under the name of "The Wexford Harbour Commissioners," with authority to put the same and so much of the Act of 1843 as was not thereby repealed into execution : 25 & 26 Vict.  
c. cxxii.

And whereas it was provided by the Act of 1843 that that Act should commence on the third Monday next after the passing thereof, and should continue in force for the term of thirty-one years, and from thence to the end of the session of Parliament which should then next follow :

And whereas by the thirty-eighth section of the Act of 1862 all the property in and control over the waterworks supplying the town and harbour of Wexford, and all rates and rents recoverable therefrom or in relation thereto, and all the powers and provisions relating to water supply contained in an Act passed in the Parliament of Ireland in the thirty-fourth year of the reign of King George the Third, chapter twenty-six, were vested in the corporation of Wexford : 34 G. 3.  
c. 26. (I.)

A.D. 1874. And whereas by "The Wexford Harbour Order, 1864," the  
 27 & 28 Vict. Wexford Harbour Commissioners were authorised to execute certain  
 c. 93. works in the harbour of Wexford, and for that purpose to borrow  
 such sums of money as might be requisite, not exceeding in the  
 whole twenty thousand pounds, and to levy additional rates :

9 & 10 Vict. And whereas by "The Wexford Harbour Improvement Act,  
 c. ccclxxxvii. 1846," (herein-after called "the Act of 1846,") a company was  
 incorporated under the title of "The Wexford Harbour Improve-  
 ment Company," for the purpose of improving and altering a portion  
 of the harbour of Wexford, for improving the navigation of the  
 River Slaney, and for embanking and reclaiming certain waste lands  
 and mud banks or slob in and adjacent to the said harbour ; and  
 in pursuance of the last-mentioned Act a portion of the harbour  
 of Wexford was improved, and a portion of the waste lands and mud  
 banks or slob in the said Act mentioned were embanked and  
 reclaimed, but a large portion of the work authorised by the said  
 Act to be done for deepening and improving the said harbour, and  
 the works thereby authorised to be done for improving the naviga-  
 tion of the River Slaney, were not executed, and the said Act has  
 been repealed by an Act passed in the fifteenth and sixteenth years  
 15 & 16 Vict. of the reign of Her present Majesty, intituled "An Act to repeal the  
 c. cli. " Wexford Harbour Improvement Act, and to make new arrange-  
 " ments for a more effective and expeditious execution of a portion  
 " of the undertaking thereby authorised, and for other purposes,"  
 (herein-after called "the Act of 1852,") by which Act a new Com-  
 pany was incorporated under the name of "The Wexford Harbour  
 Embankment Company," (herein-after called "the Company,") for  
 the purpose of making, completing, and maintaining certain of the  
 works by the Act of 1846 authorised :

And whereas by the Act of 1852 the Company were required to  
 pay to Her Majesty's Paymaster General for the time being the  
 sum of ten thousand pounds by two equal instalments, one of such  
 instalments to be paid at the expiration of one year, and the other  
 at the expiration of two years from and after the passing of the said  
 Act, and also a further sum of ten thousand pounds, to be paid in  
 ten equal yearly instalments of one thousand pounds each, the first  
 of such instalments to be payable on the first day of July one  
 thousand eight hundred and fifty-six, and a further instalment of  
 one thousand pounds to be payable at the expiration of every suc-  
 ceeding year until the whole should be paid, all such last-mentioned  
 payments to be a first charge upon the lands reclaimed by the  
 Company after the passing of the said Act ; and provisions were  
 contained in the said Act for enabling the Lord High Admiral or  
 the Commissioners for executing the office of Lord High Admiral,

herein-after called "the Admiralty," (whose powers in relation to such matters have by "The Harbours Transfer Act, 1862," been transferred to the Board of Trade,) to sell an adequate portion of the land so reclaimed in case of default in payment of such instalments respectively, for the purpose of raising the amount in arrear, with interest thereon after the rate of five pounds per centum per annum from the time when the same ought to have been paid :

And whereas it was also provided by the Act of 1852 that, in addition to all other payments to the Paymaster General for the time being, two thirds of so much of the tonnage rates to be received annually by the Wexford Harbour Commissioners as should exceed the amount of rates received upon sixty thousand tons, should be paid annually after the passing of that Act by the said Commissioners to the Paymaster General ; and that in the year 1866, and in every succeeding year, the Company should, within one calendar month after demand in writing under the hand of the Secretary of the Admiralty, pay to the Paymaster General such sum or sums as the Admiralty might require to be paid for the purpose of maintaining the works executed in the harbour of Wexford, not exceeding in any one year the total sum of five hundred pounds ; and that the lands to be embanked under the authority of that Act were to be charged with the payment of such sum or sums, with power to the Admiralty to enforce such payment by distress to be levied upon the lands charged with the payment of the sum or sums in arrear, in like manner as if the same had been rent in arrear, and in case an adequate sum should not be raised by means of such distress, the Admiralty were authorised to sell an adequate portion of the lands so charged, for the purpose of raising the amount in arrear, with interest thereon at the rate of five pounds per centum per annum from the time when the same ought to have been paid ; but it was provided that if the said two thirds of the tonnage rates should amount to the sum of eight hundred pounds a year for a term of seven successive years, then such last-mentioned charge on the said lands was to cease and determine :

And whereas it was by the sixty-first section of the Act of 1852 also provided that the Commissioners of Valuation under the Act (Public) of the sixth and seventh years of the reign of King William the Fourth, chapter eighty-four, should, when required by the Company, with the consent of the Admiralty, apportion the charge of ten thousand pounds secondly above mentioned, and the charge of five hundred pounds a year, upon the lands to be embanked as therein set forth, and also, by the sixty-second section of the Act of 1852, that the Company might at any time agree with the Admiralty for the commutation of the payment of the sum not exceeding five

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hundred pounds a year, or any part thereof, for the payment of one or more sums of money, to be fixed by the Company and the Admiralty; and also for the purpose of determining any liability of the Company at the end of any term or remainder of years on such conditions as might be agreed upon between the said parties; and in case of any such agreement, and upon payment in full of the amount of the commuted payment, the obligation to pay the said sum not exceeding five hundred pounds a year should cease and determine, and then the lands charged therewith should be free and discharged from all security or lien in respect thereof:

21 & 22 Vict.  
c. lxxvii.

And whereas by "The Wexford Harbour Embankment Act, 1858," the said sixty-first section of the Act of 1852 was repealed, and the Commissioners of Public Works in Ireland were required upon the application of the Company, with the consent of the Admiralty, to appoint an arbitrator to apportion the said second charge of ten thousand pounds and the charge of five hundred pounds a year created by the Act of 1852 upon the lands chargeable therewith:

And whereas it was also provided by the Act of 1852 that three Commissioners for the purpose of executing works for deepening and improving the harbour of Wexford, and the sea channels in or leading to the same, should be nominated and appointed by the Admiralty, and that such Commissioners should form a board to be called "The Admiralty Commission for improving Wexford Harbour," (herein-after called "the Admiralty Commission,") and that the said two sums of ten thousand pounds should be laid out and expended by the Admiralty Commission in executing the said works in such manner as the Admiralty should direct, and that the said annual sum of five hundred pounds, or any sum or sums for which the same or any part thereof might be commuted, and the two thirds of the said surplus tonnage rates, should be applied by the Admiralty Commission in maintaining the works executed in the said harbour as the Admiralty should direct:

And whereas the Company have paid to the Paymaster General the sum of ten thousand pounds herein-before first mentioned, but have not yet paid to him the whole of the second sum of ten thousand pounds:

And whereas the Wexford Harbour Commissioners have from time to time paid to the Paymaster General the proportion of the rates received by them required by the Act of 1852, but such proportion has not amounted to the sum of eight hundred pounds a year for a term of seven successive years:

And whereas the Company were empowered by the Act of 1852 (among other things) to sell to the Wexford Harbour Commissioners

so much of the lands reclaimed by the Company as did not exceed in admeasurement one hundred acres, or contain one half mile of continuous frontage, for the purpose only of erecting thereon quays, docks, and wharves, with convenient access thereto, for the accommodation of the trade resorting to the port and harbour of Wexford, the extent, situation, and price thereof to be determined as therein provided; provided, however, that the said Commissioners should give to the Company notice in writing, within twelve calendar months next after the completion to the satisfaction of the Admiralty of the embankment and reclamation works authorised by the Act of 1852, of their intention to purchase the said reclaimed lands, and should pay the sum awarded for the same within two years after the date of such award, and that if the said Commissioners did not commence the said quays, docks, and wharves within the period of three years next after the completion of the purchase, and did not complete such works within the period of seven years next after such commencement, then so much of the land upon which such works were not completed should revert to the Company on repayment of the purchase money, or a proportionate part thereof, by the Company to the said Commissioners :

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And whereas it was further provided by the Act of 1852 that the Company, if required by the Admiralty, should also convey free of expense to the said Commissioners, for the purpose of the erection thereon of a ballast wharf, such part of the embankment by the said Act authorised as the Admiralty should direct, not exceeding two hundred and fifty feet in length and one hundred feet in depth :

And whereas by "The Wexford Harbour Embankment Act, 1865," (herein-after called "the Act of 1865,") the time for the completion of the works authorised by the Act of 1852 was extended for a period of five years next after the passing of the Act of 1865 :

28 & 29 Vict.  
c. lxxviii.

And whereas the Company have reclaimed a portion only of the lands authorised to be reclaimed under the Act of 1852, and have not conveyed to the Wexford Harbour Commissioners any lands for the purpose of erecting the quays, docks, and wharves, or the ballast wharf intended to be so conveyed under the provisions of that Act :

And whereas the Wexford Harbour Commissioners have not yet executed the works authorised by "The Wexford Harbour Order, 1864," nor have they borrowed any money under the provisions of that order, but they have borrowed on mortgage sums amounting in all to three thousand pounds under the authority of the Act of 1843 :

And whereas the harbour of Wexford requires a considerable amount to be expended thereon in order to improve and maintain it, and the sea channels connected therewith, and to make it and them

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available for safe navigation, and the moneys now at the disposal of the Wexford Harbour Commissioners and the Admiralty Commission are insufficient for that purpose :

And whereas the powers given by the Act of 1843 will shortly expire, and it is necessary that new powers should be granted for the improvement, maintenance, and regulation of the port and harbour of Wexford, and it is expedient that the Act of 1843, and also the Act of 1862, so far as relating to the said port and harbour, should be repealed; that the limits of the said port and harbour should be extended and defined; that a new body of Commissioners (herein-after called "the Commissioners") should be incorporated for the purpose of hereafter improving, maintaining, and regulating the extended port and harbour; that the Admiralty Commission should be terminated, and that all their property, powers, rights, and duties should be transferred to the Commissioners :

32 & 33 Vict.  
c. lxxi.

And whereas it is expedient that the Commissioners should, subject as herein-after mentioned, be authorised to continue, erect, place, and maintain lighthouses, lights, beacons, and buoys within and near the harbour, and to provide and maintain or license steam-tugs or other power for the accommodation of the traffic of the port and harbour, and to provide pilotage for vessels approaching, entering, or leaving the said port and harbour, or the pier and harbour at Rosslare, authorised by "The Rosslare Harbour Order, 1869 :"

And whereas it is also expedient that the Commissioners should be authorised to repair, improve, maintain, light, and cleanse the quays and wharves of the harbour of Wexford, and the streets and avenues leading thereto, or to arrange for the transfer of the duties of maintaining, lighting, and cleansing the said streets and avenues to the mayor, aldermen, and burgesses of the town and borough of Wexford (herein-after called "the corporation"), and that the Commissioners should be enabled to erect baths or bathing places within the limits of the harbour :

And whereas it is expedient that the Commissioners should be authorised to make rules for the maintenance, management, preservation, and regulation of the local oyster fisheries, situate within the limits of the harbour, and to license and make regulations in respect to the vessels or boats carrying on the same :

And whereas for the purposes aforesaid it is necessary and expedient that the Commissioners should be authorised to demand and take new and increased tolls, rates, and duties, and to borrow money :

But these objects 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 : A.D. 1874.

1. This Act may be cited for all purposes as "The Wexford Harbour Act, 1874." Short title.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much of the former Act as relates to the entry upon, purchase, and taking of lands otherwise than by agreement; "The Commissioners Clauses Act, 1847," with the exception of the clauses with respect to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors, and also with the exception of clauses 19, 37, 40, 42, 54, and 57; "The Harbours, Docks, and Piers Clauses Act, 1847," excepting sections 6 to 11, both inclusive, 16, 17, 18, 19 (unless and until the Board of Trade shall otherwise require), 25, 26, 35, 49, and 50; and sections 13, 16, 17, 18, and 19 of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act. Provisions of certain general Acts incorporated.

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 : Interpretation of terms.

The expression "the Admiralty" means the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom :

The expression "the Paymaster General" means Her Majesty's Paymaster General for the time being :

The expression "the Old Wexford Harbour Commissioners" means the Commissioners acting in the execution of the Acts of 1843 and 1862 :

The expression "the Commissioners" means the Commissioners herein-after incorporated for carrying into effect the purposes of this Act :

The expression "the corporation" means the mayor, aldermen, and burgesses of the town and borough of Wexford :

The expression "the borough" means the town and borough of Wexford :

The expression "the harbour" means the harbour of Wexford as the limits thereof are defined by this Act :

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The words "secretary," "clerk," "treasurer," or "collector," mean any secretary, clerk, treasurer, or collector respectively for the time being appointed under this Act:

In "The Railways Clauses Act, 1863," as applied to this Act, the expression "the Company" means the Commissioners, the expression "the railway" means any work which may be constructed by the Commissioners, the word "work" means any work below high-water mark which may be constructed by the Commissioners:

In "The Commissioners Clauses Act, 1847," the expression "limits of the special Act" shall include any place within the borough of Wexford, or within a distance of ten statute miles from the court house thereof.

Limits of  
harbour.

4. The limits of the harbour and within which the powers of the harbour-master for the regulation of the harbour, and of the pilot-master and ballast-master, shall be exercised, shall, subject as herein-after mentioned, include the whole of the harbour of Wexford within the limits thereof as existing at the time of the passing of the Act of 1843, and shall on the seaward side extend to and comprehend the area lying within an imaginary line drawn straight from Blackwater Head to the northern end of the Long Bank, and thence along the western edge of the said bank to the southern end thereof, and thence straight to Greenore Point, including therein the foreshore, river, and seaway within such limits, excepting so much thereof as may be within the limits defined by the Rosslare Harbour Order, 1869, as the limits within which the Rosslare Harbour Commissioners shall have authority, and any foreshore acquired by them under the powers of that order, and excepting also any lands already embanked or reclaimed under the provisions of any of the recited Acts relating to the Company.

Repeal of  
Acts.

5. On and after the first Thursday in August one thousand eight hundred and seventy-four (which date is herein-after referred to under the expression "the constitution of the new trust"), the Act of 1843, and also the Act of 1862, excepting section thirty-eight of the last-mentioned Act, (relating to the transfer to the corporation of certain waterworks constructed under the powers of an Act passed in the Parliament of Ireland in the thirty-fourth year of the reign of King George the Third, chapter 26,) are by this Act repealed.

Commission-  
ers incor-  
porated.

6. The Commissioners to be elected and appointed as herein-after mentioned are hereby incorporated under the name of "The Wexford Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and



with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and shall be the Commissioners for carrying into effect the purposes of this Act. A.D. 1874.

7. All moneys belonging or due to, and all lands, wharves, quays, lights, buoys, vessels, dredges, plant, and other property of every description, and all choses in action vested in or belonging to the Old Wexford Harbour Commissioners under the Act of 1843 and the Act of 1862, or otherwise whatsoever, shall, immediately on the constitution of the new trust, become due and belong to and be vested in the Commissioners, subject to all contracts, debts, obligations, and liabilities affecting the same, and the Commissioners may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the Act of 1843 and the Act of 1862, and as if no such repeal had taken place, and the Commissioners shall be liable to all the debts and engagements connected with the said harbour to which the Old Wexford Harbour Commissioners may be liable at the constitution of the new trust. Arrears of rates, &c. due under Act of 1843 vested in Commissioners.

8. Notwithstanding such repeal, any action, suit, prosecution, or other proceeding commenced either by or against the Old Wexford Harbour Commissioners before the constitution of the new trust shall not abate or be discontinued or prejudicially affected by such repeal, but on the contrary shall continue and take effect, both in favour of and against the Commissioners, in the same manner to all intents as if the same had been commenced by or against the Commissioners. Actions not to abate.

9. All deeds, conveyances, grants, assignments, leases, purchases, sales, mortgages, bonds, covenants, agreements, contracts, and securities made, executed, or entered into by, with, or in relation to the Old Wexford Harbour Commissioners previous to the constitution of the new trust, and which are then in force, and all obligations and liabilities which before the constitution of the new trust had been incurred, or which but for the repeal aforesaid might or would have arisen in relation to the Old Wexford Harbour Commissioners, shall be as valid and of as full force and effect in favour of, against, or in relation to the Commissioners as if the same had been executed, made, or entered into, by, with, or to, or in relation to, or had been incurred by, or to, or had arisen in relation to, the Commissioners by name. Saving conveyances, contracts, &c.

10. Notwithstanding such repeal, all byelaws of the Old Wexford Harbour Commissioners made before the constitution of the new trust shall for the purposes of this Act continue of full force as if such repeal had not happened, and may be enforced by the Commissioners during the period of six months after the consti- Byelaws continued.

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tution of the new trust, and all proceedings thereon may be continued or taken, and all penalties thereunder may be recovered, as if such byelaws were byelaws made under this Act, or under the Act of 1843, as the Commissioners shall think fit.

Resolutions,  
&c. con-  
tinued.

**11.** Notwithstanding such repeal, all resolutions, orders, and proceedings of the Old Wexford Harbour Commissioners which immediately before the constitution of the new trust are binding on the Old Wexford Harbour Commissioners, or their officers or servants, shall, until duly revoked or altered by the Commissioners, continue in full force, and be in like manner binding, as if they were passed, made, or taken under this Act.

Books, &c.  
continued  
evidence.

**12.** Notwithstanding such repeal, all documents, books, and writings which, if such repeal had not happened, would be receivable in evidence, shall be admitted in evidence in all courts of law and equity, and elsewhere accordingly.

Officers  
continued.

**13.** Notwithstanding such repeal, every officer and servant appointed by the Old Wexford Harbour Commissioners before the constitution of the new trust, shall hold and enjoy his office and employment, with the salary thereunto annexed, and be deemed an officer and servant of the Commissioners until he be removed by the Commissioners from such office and employment, and shall have the like power and authority for the purposes of this Act, and be subject to the like power of removal, regulation, pains and penalties, as if he were appointed under this Act.

Officers to be  
accountable  
for books,  
&c.

**14.** All officers and persons who at the time of the constitution of the new trust have in their possession or under their control any books, papers, documents, or effects belonging to the Old Wexford Harbour Commissioners, or to which those Commissioners would, but for the passing of this Act, have been entitled, shall be liable to account for and deliver up the same to the Commissioners, or to such persons as the Commissioners may appoint to receive the same, in the same manner and subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by or become possessed of such books, documents, papers, and effects for the Commissioners.

General  
saving of  
rights.

**15.** Except only as is by this Act otherwise expressly provided, everything before the constitution of the new trust done, suffered, and confirmed respectively under or by virtue of the provisions of the Act of 1843 and of the Act of 1862, by this Act repealed, shall be as valid as if such repeal had not happened; and the repeal of those provisions shall accordingly be subject and without prejudice to everything so done, suffered, confirmed, and made valid respec-

tively, and to all rights, liabilities, claims, and demands, both present and future, which if such repeal had not happened would be incidental to or consequent on any and every thing so done, suffered, confirmed, and made valid respectively; and with respect to all things so done, suffered, confirmed, and made valid respectively, and to all such rights, liabilities, claims, and demands, the Commissioners shall to all intents represent the Old Wexford Harbour Commissioners; and the generality of this provision shall not be deemed to be restricted by any other provisions of this Act.

**16.** The Commissioners shall be as follows :

The mayor of Wexford for the time being ;

Six persons to be elected by the registered shipowners of the port of Wexford ;

Six persons to be elected by such persons as shall from time to time be qualified by law to vote at the election of a member of Parliament for the borough of Wexford (herein-after called "the qualified electors") ;

One person to be elected by the Corporation ; and

Two persons to be appointed by the Board of Trade.

Commissioners to be elected and appointed under this Act.

**17.** On or before the first Thursday in August one thousand eight hundred and seventy-four, the Board of Trade shall send to the secretary of the Old Wexford Harbour Commissioners a list, under the hand of the secretary of the Board of Trade, containing the names and residences of the persons appointed by the Board of Trade to act as Commissioners from the last-mentioned date until the first Thursday in August one thousand eight hundred and seventy-five, and on or before the first Thursday in August in the year one thousand eight hundred and seventy-five, and in every subsequent year, the Board of Trade shall send to the secretary of the Commissioners a list, under the hand of the secretary of the Board of Trade, containing the names and residences of the persons appointed by the Board of Trade to act during the ensuing year as Commissioners ; and the persons who have been appointed by the Board of Trade to act as Commissioners in any preceding year may be appointed by that Board to act as Commissioners in any subsequent year, if qualified as herein-after mentioned.

Board of Trade to appoint Commissioners.

**18.** Every Commissioner shall be qualified in manner herein-after mentioned ; (that is to say,)

In order to be elected by the registered shipowners or by the qualified electors respectively, he shall be resident within the town of Wexford, or within ten statute miles measured along any public road from the court house of the said town, and shall either be, and have been for twelve months previous to the

Qualification of Commissioners.

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meeting at which he is elected, rated to the relief of the poor in respect of premises within that distance of the annual value of twenty pounds or upwards, or be seised or possessed of real or personal estate, or of both, of the clear value of five hundred pounds above what will satisfy his debts ;

In order to be elected by the corporation he shall be a member of the corporation ;

And in order to be appointed by the Board of Trade he shall be resident within ten statute miles of the town of Wexford, measured as aforesaid.

Qualification  
of electors  
as herein  
stated.

**19.** The qualification of an elector under this Act shall be as follows :

In order to vote at any election by the registered shipowners, he shall be, and have been, on and for six months previous to the thirtieth day of June immediately preceding such election, the owner of thirty tons or upwards of shipping, either in one vessel or more, of and belonging to the port of Wexford, such vessel or vessels being duly registered in the said port according to law, and according to the usage as to the limits of such port of the Commissioners of Customs for the time being, and he shall be entitled in respect of such ownership to one vote ; and if he shall be an owner for the like period of five hundred tons or upwards of shipping, in one such vessel or more, registered as aforesaid, he shall be entitled to two votes ;

In order to vote at any election by the corporation, he shall be a member of the corporation ;

And in order to vote at any election by the qualified electors, he shall at the time be qualified to vote at the election of a member of Parliament for the borough of Wexford.

As to votes  
of registered  
shipowners  
being  
partners.

**20.** In every case of several persons being registered as joint owners, or under the name of a company, and whether as part owners or sole owners, or both, they shall, with respect to the scale of voters, be deemed one person ; and any one of such joint owners authorised in writing by the other joint owners, or by a majority of them, or in the case of a corporate company authorised by the company under their common seal, shall alone be entitled to exercise on behalf of the other joint owners, or the company, the right of voting at the election of a Commissioner by the registered shipowners.

Notice of  
candidates  
to be given.

**21.** No person shall be elected a Commissioner at any time under this Act unless his name shall have been given in as a candidate by himself, or by a person or persons entitled to vote at such election, as respects the first election to the secretary of the Old

Wexford Harbour Commissioners, or his deputy, or as respects any subsequent election to the secretary of the Commissioners, or his deputy, at his office in the town of Wexford, forty-eight hours at least (exclusive of Sunday, Good Friday, or Christmas Day) previous to the time of such election, nor unless he shall at such election be proposed and seconded by electors duly qualified to vote as herein-before mentioned.

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**22.** For the purposes of the first and subsequent elections from time to time by registered shipowners under this Act, the collector of rates under the Act of 1843 shall on or before the fifteenth day of July in the year one thousand eight hundred and seventy-four, and the collector of rates under this Act shall on or before the fifteenth day of July in every subsequent year, make and deliver to the secretary of the Old Wexford Harbour Commissioners, or of the Commissioners, as the case may be, a list wherein shall be entered the names of all persons registered in the books of the Custom House at Wexford as the owners on the thirtieth day of June then next preceding, and for a period of six months immediately preceding such date, of thirty tons or upwards and of five hundred tons or upwards respectively of shipping registered as belonging to the port of Wexford, and shall at the foot of the list sign a certificate of its accuracy.

Collector of rates to make a yearly list of registered shipowners' vessels and tonnage, and to certify its accuracy.

**23.** For the purposes of the first and subsequent elections by the registered shipowners under this Act, the Old Wexford Harbour Commissioners shall on every day during the seven days ending with the twenty-fourth day of July in the year one thousand eight hundred and seventy-four, and the Commissioners shall during the seven days ending with the twenty-fourth day of July in every subsequent year, cause a copy of the certified list then last made for the purposes of this Act to be deposited for public inspection with the secretary of such Commissioners at their office in Wexford, and on payment of a reasonable sum for the same, not exceeding one shilling, such secretary or other officer shall deliver a copy of the list to any person requiring it.

Certified list to be deposited for public inspection.

**24.** The persons whose names appear on the annual certified list from time to time in force shall be the registered shipowners for the purposes of the election of Commissioners by registered shipowners under this Act, and shall at every such election be entitled to such a number of votes as is by this Act provided.

Registered shipowners on annual certified list to be the electors.

**25.** The first election of Commissioners by the registered shipowners shall take place at a meeting of such shipowners to be held within the Ballast Office in the town of Wexford, at twelve o'clock noon, on the first Thursday in August in the year one thousand eight

Annual election of Commissioners by registered shipowners.

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hundred and seventy-four; and an election by the registered shipowners shall take place at a meeting of such shipowners to be held on the first Thursday in August in each subsequent year, at such hour and within such place in the town of Wexford as the Commissioners shall from time to time appoint, or, in the event of their at any time failing to make such appointment, at such time and place as the then existing Commissioners appointed by the registered shipowners, or a majority of them, shall appoint.

Rotation of Commissioners elected by shipowners.

**26.** At each such annual election by the registered shipowners after the first election two of the Commissioners elected by the registered shipowners shall retire from office; and the rotation in which the Commissioners so elected at the first election shall retire shall be determined by ballot among themselves, unless they shall otherwise agree; and in all other cases the Commissioners so elected who shall retire by rotation shall be the Commissioners who have been longest in office; and in every such case two Commissioners shall be elected by the registered shipowners as by this Act provided in place of the Commissioners so retiring from office: Provided always, that every Commissioner so elected who shall retire by rotation may be forthwith re-elected, and after such re-election he shall with respect to retiring by rotation be considered as a new Commissioner.

Retirement from office of Commissioners elected by corporation and qualified electors.

**27.** On the first Thursday in August one thousand eight hundred and seventy-five, and on the first Thursday in August in every subsequent year, two of the Commissioners then in office elected by the qualified electors shall go out of office, and the rotation in which the Commissioners so elected at the first election shall retire shall be determined by ballot among themselves, unless they shall otherwise agree; and in all other cases the Commissioners who shall retire by rotation shall be the Commissioners who have been longest in office, and in every such case two Commissioners shall be elected by the qualified electors as by this Act provided in place of the Commissioners so retiring from office; and the Commissioner elected by the corporation shall also go out of office in like manner, and another Commissioner be elected by the corporation in his stead; and every Commissioner so going out of office shall be eligible for re-election or re-appointment, and after re-election he shall with respect to retiring by rotation be considered a new Commissioner.

Period and place of elections of Commissioners elected by qualified electors.

**28.** The first election of the Commissioners to be elected by the qualified electors shall be held on the first Thursday in August in the year one thousand eight hundred and seventy-four, and the subsequent elections shall be held on the first Thursday in August in every subsequent year.

**29.** For the elections from time to time of the Commissioners to be elected by the qualified electors, meetings shall be held at such convenient place or places in the town of Wexford as the Old Wexford Harbour Commissioners or the Commissioners from time to time shall appoint.

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Meetings for elections of Commissioners.

**30.** For the election from time to time of the Commissioner to be elected by the corporation, the corporation shall and they are hereby required, at the request of the secretary for the time being of the Old Wexford Harbour Commissioners, or of the Commissioners, to appoint meetings to be held not later than the first Thursday in August in the year one thousand eight hundred and seventy-four, and not later than the first Thursday in August in every subsequent year, at such convenient place or places in the town of Wexford as the corporation shall from time to time appoint, and immediately after any such meeting the corporation shall transmit the name of the Commissioner so elected to the secretary for the time being of the Old Wexford Harbour Commissioners or the Commissioners.

Elections by corporation.

**31.** All meetings for elections of the Commissioners by the registered shipowners or the qualified electors shall be held between the hours of eleven in the forenoon and four in the afternoon, and all the meetings shall be convened by not less than four nor more than ten days public notice specifying the time and place of such meetings.

Hours of elections, and notices in respect thereto.

**32.** At every meeting of the registered shipowners the shipowners present shall choose a chairman to preside over such meeting and to be the returning officer; and at every other meeting for the election of the Commissioners the mayor of Wexford for the time being, or his deputy, shall preside as chairman, and shall act as returning officer; and the only business to be transacted or discussed at any such meeting shall be the election by the meeting of the persons to be elected Commissioners thereat.

Procedure at meetings.

**33.** The Commissioners to be from time to time elected at such meetings shall be elected by a majority of the votes of the persons present and entitled to vote at the respective meetings for the election; and at the elections of Commissioners to be elected by the qualified electors, the votes of the electors shall be taken in the same manner, as nearly as may be, as the votes for the electors for a member of Parliament for the borough of Wexford are by law for the time being appointed to be taken, and the expenses of the returning officer in relation to such election shall be paid by the Commissioners: Provided nevertheless, that in every case of an equality of votes the returning officer shall, in order to decide the

Elections to be by majority of votes.

A.D. 1874. — election, have an additional or casting vote, and that no return shall be made to the clerk of the Crown in Chancery.

As to supplying vacancies in Commissioners.

**34.** Whenever a Commissioner dies, resigns, becomes disqualified, or from any other cause, except his retiring from office in rotation, ceases to be a Commissioner, the body by whom he was elected or appointed shall elect or appoint according to the provisions of this Act another person to be a Commissioner in his place; and every person so elected or appointed may, if he so long live and continue qualified, continue in office so long as his predecessor in office might, if he had not ceased to be a Commissioner, have continued in office.

Meetings for supply of casual vacancies.

**35.** In every case of a vacancy in the Commissioners occasioned by any cause other than that of going out of office in rotation, the Commissioners shall, within one month after the vacancy, or after they have received notice thereof, convene or require to be convened a meeting of the body by whom the vacancy is to be supplied, for the election of a Commissioner to supply the vacancy.

Vacancy in Commissioners not to affect their power.

**36.** The powers of the Commissioners shall not be dependent on the whole number of the Commissioners being at any one and the same time in office.

First and other meetings of the Commissioners.

**37.** The Commissioners shall hold their first meeting after the first election and appointment of Commissioners under this Act at Wexford, at the hour of twelve at noon, on the second Tuesday in the month of August one thousand eight hundred and seventy-four, and shall hold their subsequent meetings at such places and at such times as they from time to time think fit; but, except for any cause deemed by the Commissioners urgent, the time appointed for the commencement of any such meeting shall not be later than the hour of twelve at noon.

Two Commissioners may call special meetings.

**38.** The number of Commissioners who may require a special meeting to be held shall be two, or any greater number.

Quorum.

**39.** Five shall be the quorum at all meetings of the Commissioners under this Act.

Election of chairman and vice-chairman of the Commissioners.

**40.** At the first meeting of the Commissioners they shall by the majority of the votes of the Commissioners present elect one of their body to be their chairman, and another of their body to be their vice-chairman, until the next annual meeting of the Commissioners, when and at every subsequent annual meeting the Commissioners shall in like manner elect a chairman and a vice-chairman for the ensuing year, and such vice-chairman shall only act as chairman until the chairman be present, and if at any meeting of the Commissioners the chairman and vice-chairman both be absent,



one of the Commissioners present shall be elected chairman of such meeting by the majority of the votes of the Commissioners present at such meeting, to act as chairman until either the chairman or vice-chairman be present. A.D. 1874.

**41.** In case such chairman or vice-chairman shall die or resign or cease to be a Commissioner, or otherwise become disqualified to act as such, the Commissioners present at the meeting next after the occurrence of any such vacancy or vacancies shall elect some other of their body to fill such vacancy or vacancies, and the person or persons so elected shall continue in office so long only as the person or persons in whose place or places he or they were elected would have been entitled to act as chairman or vice-chairman respectively. As to supplying vacancies in office of chairman or vice-chairman.

**42.** The Commissioners may make and maintain the works which the Old Wexford Harbour Commissioners were by "The Wexford Harbour Order, 1864," authorised to make and maintain, and may from time to time by agreement enter upon, take, and use, purchase, take on lease, or otherwise acquire, all or any part of the lands which the Old Wexford Harbour Commissioners were by the said Order for the purposes of the said works and of depositing ballast authorised by agreement to enter upon, take, and use, purchase, take on lease, or otherwise acquire; but the Commissioners shall not borrow any money nor take any rates under the powers of borrowing money and taking rates by that Order conferred on the Old Wexford Harbour Commissioners. Commissioners may execute works authorised by Wexford Harbour Order, 1864, but shall not borrow money or take rates under that Order.

**43.** On the constitution of the new trust the persons then forming the Admiralty Commission for improving Wexford Harbour, under the provisions of the Act of 1852, shall cease to act as Commissioners, and no other Commissioners shall be nominated or appointed in their stead under the provisions of that Act, and all the powers, rights, and privileges by the Act of 1852 conferred on, and all property, plant, and materials vested in or belonging to the Admiralty Commission for improving Wexford Harbour (subject always to any claim which may be found lawfully chargeable thereon), are hereby, on the constitution of the new trust, transferred to and conferred on the Commissioners; and in all actions, suits, causes, or other legal proceedings to or in which at the time of the constitution of the new trust the Admiralty Commission for improving Wexford Harbour are parties relators or are interested, the Commissioners shall be held to be or to be substituted for the Admiralty Commission for improving Wexford Harbour; and the court in which such actions, suits, causes, or other legal proceedings are pending shall, upon the application of any of the said parties thereto, make such order as may be necessary and just for giving effect to this provision. Vesting powers, &c. of Admiralty Commission in the Commissioners.

A.D. 1874.

Paymaster General and Admiralty Commission to pay any unexpended moneys in their hands to Commissioners.

**44.** On the constitution of the new trust all moneys which under the provisions of the Act of 1852 shall, previously to the constitution of the new trust, have been paid by the Company or the Old Wexford Harbour Commissioners, or either of them, to the Paymaster General, or which shall have otherwise come to his hands under the provisions of that Act, and which by that Act are directed to be laid out, expended, and applied by the Admiralty Commission for improving Wexford Harbour, in executing works, or in maintaining the works executed in the harbour of Wexford, and which at the time of the constitution of the new trust remain unexpended, shall be paid to the Commissioners by the Paymaster General or the Admiralty Commission for improving Wexford Harbour, or any other body or person in whose hands such moneys may be, and the Commissioners shall apply the moneys so paid to them in the manner and for the purposes in and to which such moneys would, but for the passing of this Act, have been applicable by the Admiralty Commission for improving Wexford Harbour.

As to two thirds of the tonnage rates above 60,000 tons.

**45.** On and after the constitution of the new trust the Commissioners, instead of paying to the Paymaster General the two thirds of so much of the tonnage rates to be received by them annually as shall exceed the amount of rates received upon sixty thousand tons, shall retain such two thirds of such excess, and shall, so long as any moneys remain charged or chargeable on the lands already embanked or reclaimed under the authority of the recited Acts relating to the Company, or any of them, apply such excess, so far as may be necessary, in maintaining the works executed in the harbour under the provisions of the Act of 1852, and after such charges shall have been satisfied shall apply such excess to such of the purposes of this Act as they shall think fit.

Commissioners may recover arrears due by the Company.

**46.** On and after the constitution of the new trust, any moneys which the Company or their assigns may or but for this enactment would be or become liable under the Act of 1852 to pay to the Paymaster General, or with which any lands may, or but for this enactment would, under the provisions of the Act of 1852 and the Act of 1858, or either of those Acts, be or become chargeable, whether as part of the said second or further sum of ten thousand pounds which the Company were by the fifty-eighth section of the Act of 1852 required to pay, or as any annual sum or sums which the Company have been or may hereafter be required by the Board of Trade in pursuance of the provisions of the fifty-ninth section of the Act of 1852 to pay, for the purpose of maintaining the works executed in the harbour of Wexford, and which shall not at the time have been paid by the Company, and any interest due thereon, shall be payable by the Company or their assigns to the Commis-

sioners instead of to the Paymaster General, and shall be recoverable by the Commissioners from the Company or their assigns in any court of competent jurisdiction, and when so paid to them shall be applied by the Commissioners in the manner and for the purposes in or to which such moneys would but for the passing of this Act have been applicable by the Admiralty Commission for improving Wexford Harbour: Provided always, that if the two thirds of the tonnage rates received annually by the Old Wexford Harbour Commissioners under the provisions of the Act of 1843, and the Commissioners under this Act, or by the last-mentioned Commissioners, shall amount to the sum of eight hundred pounds a year for the term of seven successive years, then the charge by the fifty-ninth section of the Act of 1852 imposed upon the Company shall cease.

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47. It shall be lawful for the Commissioners and the Company and their assigns, with the consent of the Board of Trade, to agree for the purpose of commuting the payment of the sum not exceeding five hundred pounds a year by the fifty-ninth section of the Act of 1852 required to be paid by the Company and their assigns, or any part thereof, for the payment of one or more sums of money, to be fixed upon by the Commissioners and the Company and their assigns, and also for the purpose of determining the liability of the Company and their assigns, at the end of any term or remainder of years, on such conditions as may be agreed on between the said parties, and in case any such agreement shall be entered into, then and immediately thereafter, or from and after a day to be named in such agreement, and upon payment in full of the amount of the commuted payment, the obligation to pay the said sum not exceeding five hundred pounds a year shall cease and determine, and the said lands charged therewith as aforesaid shall be free and discharged from all security or lien in respect thereof.

Power to commute payment by Company of sum of 500*l.* a year.

48. The lands which are by the fifty-eighth and fifty-ninth sections of the Act of 1852 charged or made chargeable with the sums of money required to be paid by the Company and their assigns under these sections respectively, and not discharged from such liability under the provisions of that Act or this Act, shall continue charged or chargeable with the same, or with such part thereof as shall not have been paid, and all the powers in those sections contained or incident to the said charges for the enforcement of the payment of such sums, and all the powers for raising the amount of such sums in arrear, and interest thereon and costs, by the sale of such lands or by distress, and of conveying the lands so sold, which, but for the passing of this Act, would have been exerciseable by the Paymaster General or the Admiralty, shall belong to and be exer-

Charges on lands embanked by the Company to continue, and power to Commissioners to recover sums due by the Company by sale or distress.

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ciseable by the Commissioners; and the Commissioners may, by any deed or deeds executed under their common seal, convey the lands to be sold from time to time to the purchaser or purchasers, or as he or they may direct, for all the estate and interest acquired by the Company or their assigns therein under the provisions of the Act of 1852, or any deed or grant or conveyance executed in pursuance of that Act, and discharged from all liens and incumbrances created by that Act or by the Company, or their assigns, and such lands shall, upon payment of the purchase money, and the execution of the conveyance, vest in such purchaser or purchasers, or in his or their nominee or nominees accordingly, for all such estate and interest as aforesaid, free from all such liens and incumbrances as aforesaid, and the purchase money shall be applied in payment of the said arrears, interest, and costs, and the surplus (if any) be paid to the Company or their assigns: Provided always, that no sale under this enactment shall prejudice any lease previously granted of the lands included in the sale.

Limiting inquiry as to sales, &c.

**49.** No purchaser or purchasers shall be bound to inquire into the necessity, reason, or propriety of any such sale of any such lands as aforesaid by the Commissioners, it being the meaning of this Act that any sale or sales purporting to be made by the Commissioners under the provisions of this Act, and every deed of conveyance duly stamped purporting to be executed under the common seal of the Commissioners, shall, so far as regards the safety of the purchaser or purchasers, be deemed and taken to have been in all respects duly made and executed in conformity with this Act; and the purchase money shall in every case of a sale of any such lands as aforesaid under this Act be paid to the treasurer of the Commissioners, and his receipt in writing for the same, duly stamped, shall be an effectual discharge to the purchaser or respective purchasers, and no purchaser shall be bound to see to the application of his or their purchase moneys.

Apportionment of charges on lands embanked by the Company.

**50.** On and after the constitution of the new trust, and in lieu of the provisions contained in the nineteenth, twentieth, twenty-first, twenty-second, and twenty-third sections of the Act of 1858, the following provisions shall take effect:

The Commissioners of Public Works in Ireland may and they are hereby required, upon application of the Company or their assigns, with the consent of the Board of Trade, to be signified in writing under the hand of the secretary or one of the assistant secretaries of that Board, from time to time to appoint an arbitrator to apportion so much (if any) of the said second charge of ten thousand pounds, and of the said charge of five

hundred pounds a year, as may be properly chargeable upon the lands embanked or reclaimed under the provisions of the recited Acts relating to the Company, or any of them, or any parts thereof not already apportioned, in such way and manner as may appear equitable upon the said lands, in order and so that different portions of the said lands may be charged solely and exclusively with distinct and separate portions of the charges so from time to time to be apportioned, and to deposit from time to time with the Commissioners of Public Works in Ireland the award so made by him; and after any and every such award the lands (if any) by the Act of 1852 charged with the whole of such charges respectively, shall be and remain charged only with the payment of such proportion of the same charges as shall, by such deed of apportionment, be expressly charged thereon, and shall be exonerated from the residue of such charges: Provided always, that no purchaser, mortgagee, or lessee shall be bound to inquire into the fairness or propriety of such apportionment, or whether the person or persons making the same were duly qualified to act, or whether the proceedings relating to such apportionment were regular, and that the receipt of the treasurer of the Commissioners, duly stamped, for payment of any part of the said sum of ten thousand pounds, or any of the instalments thereof, or any of the sums by the Act of 1852 charged, shall be conclusive evidence of the payment of the same, and shall be a complete discharge of the said lands charged from the sum or sums by such receipts respectively admitted to have been received: Provided further, that if at any time any payment shall be made by the Company or their assigns, with the consent of the Board of Trade, to be signified in writing under the hand of the secretary or any one of the assistant secretaries of that Board, in anticipation of or before any period appointed for that purpose, then and in every such case interest at the rate of five pounds per centum per annum shall be allowed for any such payment made in anticipation or advance as aforesaid:

If any such arbitrator die or refuse, decline, or become incapable to act, the Commissioners of Public Works in Ireland may, with the consent of the Board of Trade, appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed:

The arbitrator may call for the production of any documents in the possession or power of the Company, or their assigns, which such arbitrator may think necessary for determining

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any question or matter to be determined by him under this Act, and may examine any party or witness on oath, and administer the oaths necessary for that purpose :

Before any arbitrator shall enter upon any inquiry, he shall in the presence of a justice of the peace make and subscribe the following declaration ; (that is to say,)

I, *A.B.*, do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matter referred to me under the provisions of "The Wexford Harbour Act, 1874."

Made and subscribed in the presence of  
and such declaration shall be annexed to the award when made, and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a misdemeanor :

The salary, remuneration, travelling and other expenses of the arbitrator, and all costs, charges, and expenses, if any, which shall be incurred by the said Commissioners of Public Works in carrying the provisions herein-before contained into execution, shall be paid by the Company or their assigns, and the amount of such costs, charges, and expenses shall from time to time be certified by the said Commissioners, after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the Company or their assigns ; and it shall be lawful for the said Commissioners from time to time to require the Company or their assigns to deposit in the Bank of Ireland, to the credit of the said Commissioners, any sum or sums of money, or to give such other security for the payment of any such costs, charges, and expenses, as to the said Commissioners shall seem fit ; and every certificate of the said Commissioners certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the Company to the Crown, and be recoverable accordingly.

Reserving  
rights of  
parties under  
information  
suit.

**51.** Nothing in this Act contained shall affect or prejudice the rights of the parties in the information suit now pending in the Court of Chancery in Ireland, between the Right Honourable Her Majesty's Attorney General for Ireland, at and by the relation of Richard Joseph Devereux, George Le Hunte, and William Coghlan, Esquires, Admiralty Commissioners for improving Wexford Harbour, Informant, and the Wexford Harbour Embankment Company, Edward Purdon, Samuel Gardiner Ireland, John Purdon, John

McDonnell Royse, Antonio Eroles Edgeworth, and John Woodward Stanford, Defendants, in reference to the said sums of five hundred pounds per annum or to the liability (if any) of the lands alleged to be charged therewith to the payment of the said sums, it being the intention of this Act that the liability of any of the lands alleged to be charged with the said sums of five hundred pounds per annum, or any part thereof, or with any other sums, shall be and continue the same in all respects as if this Act had not been passed: Provided always, that on and after the constitution of the new trust it shall be lawful for the Court of Chancery, or the judge to whose court the said information suit is attached, on the application of the Attorney General, and upon such terms as to the said court or judge shall seem just, to order the Commissioners to be substituted as relators in the said information suit in place of the existing relators.

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**52.** So long as any moneys remain charged or chargeable upon the lands embanked or reclaimed under the provisions of the recited Acts relating to the Company, or any of them, the owners for the time being of the lands so charged shall have, with respect to the accounts of the Commissioners, all the same rights in all respects as if they were ratepayers within the meaning of the Commissioners Clauses Act, 1847; and the expression "documents" in section 90 of that Act shall be deemed to include all reports made to the Commissioners by their engineer or other similar officer with respect to works required to be executed or maintained within the harbour under the provisions of the Act of 1852.

Powers to owners of certain reclaimed lands to inspect accounts, &c.

**53.** On and after the constitution of the new trust the Commissioners may repair, improve, and maintain the present quays and wharfs of the harbour, and may on the lands vested in them or which they may acquire under the authority of this Act from time to time erect, build, repair, and maintain all such quays, wharfs, and docks, and may make, repair, and maintain such convenient passages and avenues thereto from the main street of Wexford for the improvement of the trade of the harbour and the benefit of the shipping resorting thereto as the Commissioners shall think fit; and may also on such lands from time to time erect works within the limits of the harbour, and may also from time to time sink, widen, deepen, and cleanse the bar and harbour of Wexford, in such manner as they think fit, and may provide and maintain all machinery and apparatus necessary for any of the said purposes.

General powers of the Commissioners.

**54.** On and after the constitution of the new trust the Commissioners may repair, improve, maintain, drain, light, and cleanse the existing and any future quays and wharfs of the harbour, and the streets or avenues leading thereto, and may agree with the Cor-

Commissioners may maintain, &c. quays, &c., or may

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 transfer such  
 duties to  
 Corporation.  
 Power to  
 Corporation  
 to apply  
 rates for  
 that purpose.

poration for the transfer to the Corporation (on such terms and for such consideration payable by the Commissioners to the Corporation as may be agreed upon between the Commissioners and the Corporation) of the duties of maintaining, draining, lighting, and cleansing the said streets or avenues, or any part thereof; and the Corporation may accept of such transfer, and may thereafter exercise in respect of such streets and avenues all the powers which they possess in respect to maintaining, draining, and lighting any of the streets of the borough, and for that purpose may apply any rates which they are entitled to assess and levy for the purposes of maintaining, draining, and lighting streets within the borough.

Steam tugs.

**55.** On and after the constitution of the new trust the Commissioners may from time to time build, purchase, hire, or contract for, or otherwise provide, and may maintain, use, and let steam or other dredges, steam or other engines, steam tugs, and other power for towage, salvage, and dredging, and also diving bells, piling engines, tools, plant, and machinery, and shall, if required by the owner, license any steam tug suitable for the purpose, belonging to any person, to tow and ply within the harbour, and may fix, demand, and receive such rates or charges as may appear to them reasonable for or in respect of the use or services of such dredges, engines, tugs, diving bells, piling engines, tools, plant, and machinery so maintained, hired, used, let, or belonging to the Commissioners, and such rates shall be payable by the owner, master, or consignee, or other person having charge of the vessel obtaining the assistance of such steam tug to the Commissioners or their lessee, or to the person with whom they may contract; and the Commissioners may charge for any such license granted by them any sum they think fit, not exceeding, as respects any steam tug of not more than one hundred register horse-power, ten pounds per annum, and as respects any steam tug of more than one hundred register horse-power, one pound per annum for each register ten horse-power of such steam tug; and it shall not be lawful for any steam tug which shall not belong to, or be licensed by, the Commissioners to ply within the harbour.

Light-  
 houses,  
 beacons,  
 and buoys.

**56.** On and after the constitution of the new trust the Commissioners may, subject to the provisions contained in Part VI. of "The Merchant Shipping Act, 1854," continue, erect, or place, and may maintain within the harbour, and at or near the entrances or sea channels leading thereto, such lighthouses, lights, beacons, and buoys for the guidance of fishing vessels and boats or other vessels belonging to the harbour, or resorting thereto, or entering or leaving that portion of the harbour situate within and to the westward of an imaginary line drawn from the point of the fort of Rosslare to the Raven Point, as they may consider expedient, and in addition to all



other tolls, rates, and duties which they are by this Act authorised to levy, may levy such tolls, rates, and duties on all such vessels to defray the expense of the erection and maintenance of such light-houses, lights, beacons, and buoys, as they may think reasonable, but not exceeding, as respects any one vessel or boat, the sum of one pound sterling per annum. A.D. 1874.

**57.** In addition to any other tolls, rates, and duties by this Act authorised to be demanded, the Commissioners may, for the purposes of the harbour and the other purposes of this Act, on and after the constitution of the new trust, demand and recover from the owner or master or consignee of every vessel which shall enter that portion of the harbour situate within and to the westward of an imaginary line drawn from the point of the fort of Rosslare to the Raven Point, any rates they think fit, not exceeding sixpence per register ton on every ton which such vessel shall measure, and the Commissioners may also, if they think fit, demand and recover from the owner, master, or consignee of any such vessel, except steam vessels, so entering the said portion of the harbour, an additional rate not exceeding twopence per register ton on every ton which such vessel shall measure; and the Commissioners may, if they think fit, apportion the proceeds of such last-mentioned rate, or any part thereof, among the owners of the licensed steam tugs of the harbour, in such manner as they think proper, having regard to the work done, such apportioned payment to be in addition to the charges for towing. Tonnage rates.

**58.** In addition to any other tolls, rates, and duties by this Act authorised to be demanded, the Commissioners may for the purposes of the harbour and the other purposes of this Act, on and after the constitution of the new trust, demand and recover from the owner or consignee of any cargo loaded into or discharged from any vessel within that portion of the harbour situate within and to the westward of an imaginary line drawn from the point of the fort of Rosslare to the Raven Point, any rates they think fit, not exceeding the rates specified in the schedule to this Act annexed: Provided always, that the Board of Trade may, if they think fit, on the application of any two or more persons who shall, during any period of twelve months immediately preceding such application, have paid any of the rates demandable and recoverable by the Commissioners under this section, appoint some accountant or other competent person to examine and ascertain, at the expense of the Commissioners (unless otherwise ordered as herein-after provided), the actual amount of such rates received by the Commissioners during such period of twelve months; and if it thereupon appear to the Board of Trade that the amount so received has exceeded the sum of one Rates on cargo.

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thousand pounds, the Commissioners shall make such a rateable reduction in the rates to be demanded and recovered by them under the provisions of this section as in the judgment of the Board of Trade shall be proper, but so that such rates shall insure to the Commissioners as nearly as may be the sum of one thousand pounds in each period of twelve months; and if after such reduction it shall happen that the amount so received shall in any period of twelve months be less than one thousand pounds, the Commissioners may again raise the said rates to such extent as they think proper, not exceeding the rates specified in the said schedule, and so toties quoties: Provided further, that if in the case of any application so presented it shall appear to the Board of Trade that there was no sufficient ground for making the same, the Board of Trade may, if they think fit, order the person or persons making such application to pay the whole or any part of the costs of or incident to such application (the amount thereof to be determined by the Board of Trade), and the costs so ordered to be paid shall be recoverable from such person or persons in the manner provided in "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the recovery of damages not specially provided for: Provided nevertheless, that if the Commissioners shall at any time or times resolve, by a majority of not less than three fourths of their number present at a special meeting called for the purpose, that it is necessary for the purposes of this Act to raise any sum exceeding one thousand pounds during any period of twelve months, by means of rates demandable and recoverable under this section, the Commissioners may apply to the Board of Trade for authority to charge and may charge any such rates so demandable and recoverable (not exceeding the rates specified in the said schedule) as the Board of Trade, by writing under the hand of the secretary or any one of the assistant secretaries of that Board, shall authorise to be charged; and in such event the two immediately preceding provisoes in this section shall be held to be inapplicable to the rates so authorised to be charged.

Masters to report the arrival of vessels within the harbour.

**59.** The master of any vessel liable to any of the said rates shall, within twelve hours after the arrival of such vessel within the harbour, report to the harbour-master the arrival of such vessel and the place from whence it came; and any master of such vessel who shall fail to make such report within the time aforesaid, shall for every such offence be liable to a penalty not exceeding five pounds.

Boats licensed by the Commissioners.

**60.** In lieu of the payment of the tonnage rates herein-before mentioned, the owners of boats, smacks, cots, gabbards, lighters, and

wherries usually employed in the harbour or any part thereof, which shall not be registered, shall take and obtain from the Commissioners a license to trade in the harbour, which license shall be granted in such form as the Commissioners may appoint, and the owner of every such boat, smack, cot, gabbard, lighter, and wherry shall be bound to take such license; and for every such license there shall be paid by the owners thereof to the Commissioners the following sums (that is to say), if such boat, smack, cot, gabbard, lighter, or wherry be not above ten tons burthen, any sum the Commissioners think fit, not exceeding five shillings per annum, and if above ten tons burthen, not exceeding ten shillings per annum; and if any such boat, smack, cot, gabbard, lighter, or wherry not licensed by the said Commissioners shall be found within the harbour, or if the owner of any such boat, smack, cot, gabbard, lighter, or wherry shall refuse or neglect to obtain such license from the Commissioners as aforesaid, he shall be liable for every such offence in a penalty not exceeding forty shillings.

**61.** The Commissioners may, on and after the constitution of the new trust, demand and recover in respect of all goods and articles placed or stored in any transit sheds or warehouses erected or which may be erected by them within the harbour, any rates they think fit, provided such rates shall have been approved by the Board of Trade, and such approval signified in writing under the hand of the secretary or of any one of the assistant secretaries of the Board of Trade, and such rates shall be payable by the owner or consignee of such goods and articles before shipment or removal; provided that such rates shall not be exigible unless such goods or articles shall remain placed or stored for a longer period than forty-eight hours.

Rates for  
warehouses  
and transit  
sheds.

**62.** On and after the constitution of the new trust the Commissioners may demand and take for the use of any cranes and weighing machines erected by them, or from the owner or person having charge of any goods, articles, or things, loaded or unloaded, weighed or measured, by means of the same, such reasonable rates as the Commissioners shall from time to time appoint; provided such rates shall have been approved by the Board of Trade, and such approval signified in writing under the hand of the secretary or of any one of the assistant secretaries of the Board of Trade.

Rates for  
cranes and  
weighing  
machines.

**63.** On and after the constitution of the new trust the Commissioners may erect baths or bathing places within the limits of the harbour, with all necessary conveniences connected therewith, and may for the use of such baths and bathing places and conveniences connected therewith demand and recover from the persons using the

Bathing  
places.

A.D. 1874.

same such rates or charges as the Commissioners shall think fit; and may make all such regulations and byelaws as they think fit for the preservation of order and decency within such baths and bathing places and otherwise for the management thereof; and the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the byelaws to be made by the undertakers, shall apply to the making and enforcement of the byelaws made under this section.

Commissioners to furnish ballast.

**64.** On and after the constitution of the new trust the Commissioners shall furnish ballast at the rates after mentioned to all vessels coming within the limits of the harbour and requiring such ballast, and for that purpose may employ such workmen and provide such lighters or gabbards, tools, engines, or other conveniences for raising ballast as they shall judge necessary, and may raise ballast from such parts of the harbour as they shall think fit, or may purchase ballast from parties willing to provide the same; and the Commissioners shall be bound to furnish such ballast within twenty-four hours after notice in writing so to do shall be given at the office of the collector of the Commissioners by the owner, master, or agent of any such vessel, provided wind and weather shall permit, or otherwise within twelve hours after wind and weather shall so permit.

Ballast, how to be supplied.

**65.** Every vessel requiring ballast shall be taken alongside the ballast wharf of the harbour, and the workmen of the Commissioners shall, if desired by the master of such vessel, put the quantity of ballast required on board such vessel from the ballast wharf: Provided always, that, on payment of such additional rate as shall be fixed by the Commissioners, the master of any such vessel may, if wind and weather permit, require the ballast to be brought in lighters alongside his vessel in the harbour, and to be there put on board by the workmen of the Commissioners.

Ballast, how to be taken from vessels.

**66.** The Commissioners shall, at the rates herein-after mentioned, employ proper workmen, and may provide proper lighters or gabbards, tools, and other conveniences for carrying away ballast from vessels resorting to the harbour within twenty-four hours after notice in writing to that effect shall have been given to the collector of the Commissioners by the owner, master, or agent of such vessels, provided wind and weather shall permit, or otherwise within twelve hours after wind and weather shall so permit; but the ballast or harbour master may direct any such vessel to be taken alongside the ballast wharf of the harbour to discharge ballast thereat, in which case it shall not be incumbent on the Commissioners to provide such lighters or gabbards as aforesaid.

Regulations as to supply of ballast.

**67.** On and after the constitution of the new trust it shall not be lawful for the master of any vessel within the harbour to take or

receive ballast into such vessel except from, nor to deliver ballast from such vessel except to the persons authorised by the Commissioners to supply and receive delivery of the same, nor shall it be lawful to transfer ballast from one vessel to another without the permission of the Commissioners or their ballast or harbour master; and if any person shall do anything by this enactment forbidden, he shall forfeit and pay a penalty not exceeding ten pounds for every such offence. A.D. 1874.

**68.** On and after the constitution of the new trust the Commissioners may in respect of providing and removing ballast, demand and recover from the owner or master of every vessel into which such ballast is loaded, or from which ballast is removed, any rates not exceeding the following; (that is to say,) Ballast rates.

For every ton of ballast furnished by the Commissioners or transferred or taken into any vessel the sum of two shillings, and for every ton of ballast discharged from any vessel the sum of sixpence.

**69.** The Commissioners may from time to time make and alter byelaws for regulating the supply to and discharge from vessels of ballast within the harbour, and for determining the order in which the vessels in the harbour shall be entitled to be supplied with or discharged of ballast; and the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the byelaws to be made by the undertakers, shall apply to the making and enforcement of the byelaws made under this section. Byelaws as to ballast.

**70.** The limits to which the powers of the Commissioners in respect of pilotage shall extend, and which shall be called the Wexford pilotage district, shall be the same as the limits of the harbour, together with the area defined by "The Rosslare Harbour Order, 1869," as the limits within which the Rosslare Harbour Commissioners have authority. Limits of Wexford pilotage district.

**71.** The Commissioners may from time to time license and appoint during pleasure such number of pilots to take charge of vessels coming into and going out of the Wexford pilotage district as they shall think expedient, at and under such payment or allowances as the Commissioners may determine, and the Commissioners may appoint a pilot-master or pilot-masters to control and direct the several pilots to be licensed or appointed as aforesaid. Pilots and pilot-master to be appointed.

**72.** The Commissioners may from time to time acquire, construct, equip, maintain, license, and govern such pilot boats and ships as in the opinion of the Commissioners shall be required for the Wexford pilotage district. Providing and licensing of pilot boats, &c.

A.D. 1874.  
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Vessels  
required to  
take pilots.

**73.** Subject to the provisions of section forty-one of "The Merchant Shipping Act Amendment Act, 1862," the master of any vessel coming into or going out of the Wexford pilotage district with any cargo or passengers on board shall employ to pilot his vessel a pilot licensed or appointed by the Commissioners (hereinafter called "licensed pilot").

Pilotage  
rates.

**74.** To provide for the expense of the establishment of pilots and pilot boats by this Act authorised the Commissioners may, subject to the provisions of section forty-one of "The Merchant Shipping Act Amendment Act, 1862," on and after the constitution of the new trust demand and recover such pilotage rates for vessels under this Act liable to the same as the Commissioners may from time to time determine, not exceeding the following; (that is to say,)

For every vessel entering the limits of the Wexford pilotage district and discharging and taking in any cargo, or without discharging any cargo taking in any additional cargo in the harbour of Wexford or the harbour of Rosslare, and then going out of the said district, for the inward and outward pilotage together, sixpence per register ton on every ton which such vessel shall measure;

For every vessel entering the limits of the Wexford pilotage district and discharging any cargo in the harbour of Wexford or the harbour of Rosslare, but not taking in any cargo, for the inward pilotage fivepence per register ton on every ton which such vessel shall measure;

For every vessel going out of the limits of the Wexford pilotage district with cargo, but not having entered those limits with cargo, for the outward pilotage fivepence per register ton on every ton which such vessel shall measure;

For every vessel entering or going out of the Wexford pilotage district in ballast, and employing a pilot, and which shall not have paid any of the foregoing rates, for the inward pilotage one penny halfpenny, and for the outward pilotage one penny halfpenny per register ton on every ton which such vessel shall measure;

For every vessel coming within the limits of the Wexford pilotage district by reason of stress of weather, or other cause, and employing a pilot, but not discharging or receiving any cargo within such limits, for the inward and outward pilotage threepence per register ton on every ton which such vessel shall measure:

And also in addition to the pilotage rates above mentioned:

For every vessel piloted from or to any point outside the limits of the Wexford pilotage district any rates not exceeding the following; (that is to say,)

For every vessel not exceeding one hundred register tons,  
one pound;

For every vessel exceeding one hundred register tons and  
not exceeding two hundred register tons, two pounds;

For every vessel exceeding two hundred register tons, two  
pounds for the first two hundred register tons, and two  
pounds additional for every one hundred register tons  
beyond the first two hundred register tons which such  
vessel shall measure;

And the said rates shall be payable to and be recoverable by the  
Commissioners in the same manner as other rates are payable and  
recoverable under the provisions of this Act within any part of the  
harbour, or as rates are recoverable by the Rosslare Harbour Com-  
missioners within the limits within which they have authority:  
Provided always, that if and so long as the Rosslare Harbour  
Commissioners shall permit the pilots and pilot boats licensed by  
the Commissioners to make use of the pier and harbour of Rosslare  
without payment of any rates, one half only of the pilotage rates  
herein-before mentioned shall be demandable and recoverable in  
respect of any vessel which enters or leaves, or enters and leaves,  
the said limits within which the Rosslare Harbour Commissioners  
have authority, without discharging or taking in any cargo or ballast  
within any part of the Wexford pilotage district, other than within  
the said limits.

**75.** Provided always, that in the case of any vessel propelled  
by steam there shall be deducted from the pilotage rates payable in  
respect of such vessel one fourth part of such rates, and that if  
any vessel inward bound make the proper signal for a pilot before  
entering within the limits of the Wexford pilotage district, and  
continue to exhibit the same until she cross the bar, and shall  
not be hailed by a pilot before she cross the bar, or if any vessel  
outward bound make the usual signal for a pilot one hour before she  
requires such pilot, and be not hailed by a pilot before crossing the  
bar, then in the case of vessels chargeable with the full pilotage rates  
for the time being, there shall be deducted from the pilotage payable  
for each such vessel in cargo (unless it appear she purposely and  
without necessity avoided being hailed by a pilot), the sum of three-  
pence per register ton on every ton which such vessel shall measure,  
and in the case of vessels chargeable with less than the full pilotage  
rates, there shall be deducted (unless as aforesaid) one half of the  
pilotage rates payable for such vessel.

Deduction on  
pilotage rate  
where vessel  
not hailed  
by pilot.

**76.** The master of every inward-bound vessel liable to pay  
pilotage rates shall on coming within the Wexford pilotage district  
display and keep flying the proper signal for a licensed pilot to come  
on board, and if any licensed pilot comes within a reasonable distance

Signals for  
and assist-  
ance to  
pilots.

A.D. 1874.

of the vessel the master shall give all necessary assistance as far as may be consistent with the safety of the vessel to enable such pilot to come on board; and if any master fails to comply in any respect with the provisions of this section, he shall for every such offence be liable to a penalty not exceeding five pounds.

Byelaws for pilotage purposes.

77. The Commissioners may from time to time make byelaws for all or any of the following purposes in relation to the Wexford pilotage district:

For determining the powers and duties of the pilot-master:

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 insuring 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 any byelaws or regulations committed by such pilots or apprentices, or by such masters or mates, by the withdrawal or suspension of their licenses, or by the infliction of penalties:

For fixing the remuneration to be received for the time being by licensed pilots, or for altering the mode of their remuneration:

For determining the distances to which pilots shall go with vessels from the Wexford pilotage district, and how such distances shall be ascertained.

Pilot to produce his license on request.

78. Every licensed pilot shall while acting in such capacity be provided with his license, and shall produce the same to every person by whom he is employed or to whom he tenders his services as pilot; and if he refuses to do so at the request of such person, he shall incur for every such offence a penalty not exceeding ten pounds, and shall be subject to suspension or dismissal by the Commissioners.

Penalty on pilots refusing to conduct ships or assist a vessel in distress.

79. If any licensed pilot, after being personally required, or after a proper signal shall be made by the master of any inward-bound vessel, shall refuse to take charge of such vessel, or in case such vessel cannot be boarded without imminent danger, shall refuse to lead the way with his boat, or shall without reasonable cause refuse to afford any extraordinary assistance required from him by the master of any vessel in distress, such pilot shall for every such offence be liable to a penalty of not exceeding ten pounds, and may at the discretion of the Commissioners be deprived of his license.



**80.** Every licensed pilot taking upon himself the charge of any vessel shall, if so required by the master thereof, pilot such vessel, if sailing out of the Wexford pilotage district, as far as the outer limit of the Wexford pilotage district, and any pilot who shall in any such case refuse to pilot such vessel to such distance as aforesaid shall be liable to a penalty not exceeding five pounds, and may also at the discretion of the Commissioners be deprived of his license.

A.D. 1874.  
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Distances to which vessels are to be piloted.

**81.** If after any vessel has been piloted out of the Wexford pilotage district any licensed pilot shall remain on board such vessel, at the request of the master or owner thereof, for any time longer than twenty-four hours, in every such case such pilot shall be entitled to demand and recover from such master or owner, over and above the pilotage payable to the Commissioners, a sum of two shillings and sixpence a day, to be computed from and inclusive of the day on which such ship passes the limit to which he was engaged to pilot her, up to and inclusive of the day of his returning in such ship to the place where he was taken on board, or up to and inclusive of such day as will allow him if discharged from the ship sufficient time to return to the place where he was so taken on board, and also in such last-mentioned case his reasonable travelling expenses.

Allowance to qualified pilot taken out of his district.

**82.** In all cases where any pilot shall not through stress of weather be able to board any vessel, but a pilot boat shall lead such vessel into safety, then the Commissioners shall be entitled to and shall be paid pilotage according to the rates by this Act authorised.

Payments for leading vessels into safety when pilots cannot board.

**83.** The Commissioners out of the rates received by them may award pensions to pilots and their widows, provided that such pensions shall not exceed in the whole fifty pounds per annum; and may confer rewards on pilots for extraordinary services.

Pensions and rewards to pilots.

**84.** The Commissioners shall be a pilotage authority within Part V. of "The Merchant Shipping Act, 1854," and any enactments from time to time in force amending or substituted for the same: Provided always, that any byelaw relating to pilotage from time to time made by the Commissioners in manner in this Act authorised, and which shall have been approved by the Board of Trade in writing, under the hand of the secretary or of any one of the assistant secretaries of the Board of Trade, shall for all purposes be as valid and binding, and shall have the like effect and operation, as any byelaws made or which may be made by the Commissioners under Part V. of "The Merchant Shipping Act, 1854," or any Act amending the same.

Commissioners to be pilotage authority.

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Construction  
of Merchant  
Shipping  
Act.

**85.** Part V. of "The Merchant Shipping Act, 1854," (relating to pilotage,) and all enactments for the time being in force amending or substituted for the same, except where expressly varied by or inconsistent with the provisions of this Act, shall for the purposes of this Act be read and have effect as if this Act had been passed and was in force before and at the time of "The Merchant Shipping Act, 1854," coming into operation.

Meters and  
weighers.

**86.** On and after the constitution of the new trust the Commissioners shall have the appointment of meters and weighers within the harbour.

Power to  
appoint  
harbour-  
master, &c.

**87.** The Commissioners may from time to time appoint such secretary, treasurer, collector, harbour-masters, ballast-masters, pilot-masters, and other such officers as they shall think necessary, and may assign to them such remuneration as the Commissioners shall think reasonable, and may at pleasure suspend or remove any such officers.

Penalty for  
obstructing  
harbour-  
master,  
pilot-master,  
or ballast-  
master.

**88.** If any master of any vessel within the limits of the harbour, or any person on board the same, shall obstruct the harbour-master, pilot-master, or ballast-master, or any person employed by them, in mooring, unmooring, placing, or removing such vessel, such master or other person shall forfeit for every such offence a sum not exceeding ten pounds.

Owner or  
master an-  
swerable for  
damage done  
by his vessel,  
&c.

**89.** The owner or master of every vessel or float of timber shall be answerable to the Commissioners for any damage done by such vessel or float of timber, or by any person employed about the same, to the said harbour, or any quays, wharf, machinery, or other works or property of the Commissioners; and all such damage, in case the amount claimed in respect thereof shall not exceed fifty pounds, shall be ascertained by and be recovered before any two or more justices, and it shall be lawful for the harbour-master for the time being appointed under this Act to detain any such vessel or float of timber until sufficient security shall have been given for the amount of the damage done by the same, or by any person employed as aforesaid.

Penalty for  
pulling down  
boards.

**90.** Any person who shall destroy, pull down, injure, or deface any board within the harbour on which any byelaw, or any rate to be taken under this Act, shall be painted or exhibited, shall for every such offence forfeit a sum not exceeding five pounds.

Commis-  
sioners may  
appoint  
river and  
dock con-  
stables.

**91.** For the security and protection of the trade and shipping resorting to the harbour the Commissioners may from time to time appoint so many 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 harbour of Wexford, shall have the same powers, protections, and privileges within the limits of the harbour, and within one statute mile thereof, and shall be subject to the same liabilities as constables have or are subject to by the laws of the realm. A.D. 1874.

**92.** The Commissioners, in the event of misconduct or neglect of duty by any constable appointed by them, may 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. Dismissal of constables.

**93.** Any constable appointed by the Commissioners may by virtue of this Act, and without a warrant, detain and apprehend within the limits of the harbour any person injuring the docks, warehouses, quays, works, or property of the Commissioners, or any part thereof, or anything therein or thereon respectively, or any vessel within the harbour, or any portion thereof, 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 apprehended.

**94.** 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 of the harbour which he possessed whilst acting within those limits. Offenders may be pursued.

**95.** The Commissioners may from time to time, subject to the provisions of this Act, make and alter byelaws for all or any of the following purposes: Byelaws may be made by the Board for police purposes.

For regulating the appointment, removal, and remuneration of the harbour constables, and the number of such constables respectively to be appointed and maintained;

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

For all such other purposes as may be necessary or expedient in relation to the matters aforesaid or any of them:

and the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the byelaws to be made by the undertakers,

A.D. 1874.

shall apply to the making and enforcement of the byelaws made under this section.

Duties of  
harbour  
constables.

**96.** The constables appointed by the Commissioners, when required to do so, shall aid in giving effect to the orders of the harbour-master, ballast-master, and pilot-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, ballast-master, or pilot-master respectively acting in the execution of their 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.

Penalty for  
obstructing  
constables  
from enter-  
ing vessels.

**97.** Any person who shall obstruct or aid in obstructing any constable or other person, having instructions from the Commissioners or their harbour-master, from entering into or being in any vessel within the said harbour for the purpose of searching for or extinguishing any fire, candles, or light in or suspected to be in such vessel contrary to the provisions of this Act, or of any byelaw made in pursuance thereof, or for the purpose of discovering any theft or embezzlement suspected to have been committed therein, or of quelling any disturbance, or for any purpose authorised by this Act, or by any byelaw made in pursuance thereof, shall for every such offence forfeit a sum not exceeding five pounds.

Power to  
acquire  
lands.

**98.** The Commissioners may by agreement purchase or may take on lease any lands, houses, or other hereditaments they may think necessary or convenient for the purposes of the harbour and of the pilotage establishment, and of the lighthouses, beacons, baths, and bathing places herein-before authorised to be erected or provided, and for any other purposes of this Act, not exceeding in the whole five acres in extent.

Commence-  
ment of  
rates.

**99.** Notwithstanding anything in any Act incorporated with this Act, the Commissioners may begin to demand and take rates under the provisions of this Act immediately on and after the constitution of the new trust, although all or any of the works authorised by this Act or "The Wexford Harbour Order, 1864," are not completed.

Power to  
borrow.

**100.** The Commissioners may from time to time borrow, and if paid off otherwise than by means of the sinking fund may again borrow on mortgage, on security of the tolls, rates, and duties by this Act authorised to be demanded and received by the Commissioners, any sum not exceeding in the whole forty-five thousand pounds.

**101.** All mortgages and bonds granted by the Old Wexford Harbour Commissioners previously to the constitution of the new trust, in pursuance of the powers of any Act of Parliament before the passing of this Act, shall during the continuance of such mortgages and bonds have priority over any mortgages granted by virtue of this Act.

A.D. 1874.  
Existing mortgages to have priority.

**102.** All money raised or to be raised by the Commissioners on mortgage under the provisions of this Act shall have priority against the Commissioners, and the property from time to time of the Commissioners, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Commissioners or their property in respect of any rentcharge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any rent or sum reserved by or payable under any lease granted or made to the Commissioners in pursuance of any Act relating to the Commissioners which is entitled to rank in priority to or *pari passu* with the interest on their mortgages.

Priority of mortgages over other debts.

**103.** 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; and in order to authorise the appointment of a receiver in respect of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

For appointment of a receiver.

**104.** The sum which the Commissioners shall set apart every year as a sinking fund to discharge the principal moneys borrowed by them under the provisions of this Act shall be one seventieth part of the sums so borrowed respectively.

Sinking fund.

**105.** The secretary to the Harbour 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 a 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 have been applied during the same period, and the total amount

Return as to sinking fund to be made to the Board of Trade.

A.D. 1874. — 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. 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 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 Court of Queen's Bench.

Application  
of money  
borrowed.

**106.** All money borrowed by the Commissioners under this Act shall be applied in payment of the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, the payment of any mortgages granted by the Old Wexford Harbour Commissioners previously to the constitution of the new trust, and any moneys due by those Commissioners on current account with their bankers, and any moneys due by the Admiralty Commission for improving Wexford Harbour, and on the improvement of the harbour, and the other purposes of this Act, and to no other purposes: Provided always, that the Commissioners shall not apply any money borrowed under this Act to the management of the harbour, lighthouses, pilot or ballast establishment, or baths or bathing places, or to any other annual outgoings of the Commissioners.

Application  
of revenue.

**107.** The Commissioners shall apply all moneys from time to time received by them under the powers of this Act, (not being money borrowed, or money for the application of which provision is herein-before made,) in manner and order following, and not otherwise; namely,

First. In payment of the cost, charges, and expenses of and incident to the demanding and recovering of the tolls, rates, duties, and other revenues arising from, and the borrowing of money under this Act for the purposes of the Commissioners:

Secondly. In payment of the expenses of managing and maintaining the undertaking of the Commissioners, and of any sums which they are by this Act specially authorised to expend or pay out of rates:

Thirdly. In payment of the interest upon any moneys borrowed by the Old Wexford Harbour Commissioners previously to the constitution of the new trust, and of the interest upon any moneys borrowed by the Commissioners under the powers of this Act:

Fourthly. In setting apart the sinking fund by this Act pre- A.D. 1874.  
scribed :

Fifthly. In carrying the several powers and provisions of this Act into execution.

**108.** On and after the constitution of the new trust the expres- Construction  
sion the Wexford Harbour Commissioners, as used in "The Dublin, of certain  
Wicklow, and Wexford Railway Act, 1870," and in "The Water- enactments  
ford and Wexford Railway Act, 1871," shall mean the Commis- in 33 & 34  
sioners, and the expression Wexford Harbour shall mean the harbour; Vict. c.  
and on and after the expiration of six months after the constitution cxxvi. and  
of the new trust, the byelaws mentioned in the eighth section of 34 & 35 Vict.  
"The Waterford and Wexford Railway Act, 1871," shall mean c. cxxxvii.  
the byelaws made by the Commissioners under the provisions of  
this Act.

**109.** The Commissioners may make rules for the maintenance, Regulation  
management, preservation, and regulation of the local oyster of local  
fisheries situate within the limits of the harbour, and may enforce oyster  
the same, but none of such rules shall have any effect or be enforce- fisheries.  
able unless and until they shall have been approved by the Inspectors  
of Irish Fisheries, and such approval has been signified in writing by  
two at least of such inspectors.

**110.** The Commissioners may grant licenses for the use of vessels Commis-  
and boats employed in carrying on the said oyster fisheries, and sioners may  
may make and enforce byelaws for the proper employment of such license boats  
vessels, and the good conduct of the persons using the same ; but for oyster  
such licenses shall be granted only upon terms to be approved, and fisheries, &c.  
such byelaws shall be enforced only after approval in writing by  
two at least of the said Inspectors of Irish Fisheries ; and the provi-  
sions of "The Harbours, Docks, and Piers Clauses Act, 1847,"  
with respect to the byelaws to be made by the undertakers, shall  
apply to the making and enforcement of the byelaws made under  
this section.

**111.** Nothing contained in this Act, or to be done under the Saving  
authority hereof, shall in any manner affect the title to any of the rights of  
subjects, or any rights, powers, and authorities reserved by or Crown to  
mentioned in sections twenty-one and twenty-two of "The Crown mines, &c.  
Lands Act, 1866," or shall divest, alter, or affect any other estate,  
right, or interest belonging to the Queen's most Excellent Majesty,  
her heirs or successors.

**112.** Nothing contained in this Act shall authorise the Commis- Saving  
sioners to take, use, or in any manner interfere with, any land or rights of the  
hereditaments, or any rights of whatever description, belonging to Crown.  
the Queen's most Excellent Majesty in right of her Crown, and

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under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to 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 of the Crown in the foreshore.

**113.** Nothing contained in this Act shall authorise the Commissioners to take, use, or in any manner interfere with, any portion of the shore or bed of the harbour, 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.

Reserving rights in foreshore.

**114.** Subject to the powers by this Act conferred on the Commissioners, nothing in this Act contained shall be held to extend, diminish, or otherwise alter the rights and interests of any person in the foreshore of the harbour.

Reserving Merchant Shipping and General Acts.

**115.** Nothing in this Act contained shall exempt the Commissioners or their undertaking from the provisions of the Merchant Shipping Acts, or of any general Acts relating to dues on shipping, 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.

Expenses of Act.

**116.** All the 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 by the Commissioners.



SCHEDULE to the foregoing Act.

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RATES ON CARGO LOADED OR DISCHARGED.

	s.	d.
Ale, beer, and porter, per hogshead - - - - -	0	3
Ale (bottled), per barrel - - - - -	0	2
Ditto, per dozen bottles - - - - -	0	1
Anchors, per ton - - - - -	1	0
Bark, per ton - - - - -	1	0
Beef or pork, per ton - - - - -	0	5
Biscuit or bread, per ton - - - - -	1	0
Blubber, per ton of 252 gallons - - - - -	2	0
Bones and bone dust, per ton - - - - -	0	3
Bottles, per gross - - - - -	0	3
Bricks, per ton - - - - -	0	3
Butter and lard, per firkin, and other casks in proportion - - - - -	0	0½
Cables, iron, per ton - - - - -	1	0
Canvas, per bale - - - - -	0	3
Casks (empty), not being returned packages, per cask - - - - -	0	1
Cattle :		
Bulls, cows, and oxen, each - - - - -	0	6
Calves, each - - - - -	0	2
Horses, each - - - - -	1	0
Pigs, each - - - - -	0	1
Sheep, each - - - - -	0	1
Cement, per ton - - - - -	0	1
Chalk, per ton - - - - -	0	1
Cheese, per basket or hamper - - - - -	0	2
Chimney pots, each - - - - -	0	0½
Clay, per ton - - - - -	0	1
Cloth, haberdashery, &c., per package not exceeding one cwt. - - - - -	0	2
Carriages :		
Chaises and other four-wheeled carriages, each - - - - -	5	0
Gigs, carts, and other two-wheeled carriages, each - - - - -	2	6
Hand-carts and perambulators, each - - - - -	0	3
Coals, per ton - - - - -	0	1
Copper, per ton - - - - -	1	0
Cordage, per ton, including cables, hawsers, and wire rigging - - - - -	1	0
Cork, per cwt. - - - - -	0	2
Crystal, per box or package - - - - -	0	1
Dogs, each - - - - -	0	1
Drugs (in casks, hampers, or boxes), per package - - - - -	0	2
Earthenware, per load - - - - -	1	0
Earthenware (in crates), per crate - - - - -	0	2

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	s.	d.
Eggs, per box	0	2
Fish (dried and salted), per cwt.	0	0½
Flax, per ton	0	9
Flour and meal, per ton	0	6
Fruit, per package	0	1
Furniture (household), new, per package	0	2
Ditto, single articles, per dozen	0	2
Glass, per crate	0	2
Ditto, per box	0	1
Grain :		
Wheat, per ton	0	3½
Barley, beans, malt, oats, peas, and tares, per ton	0	3
Indian corn, per ton	0	2½
Rye, per ton	0	3
Groceries (not enumerated), per package	0	1
Guano, per ton	0	6
Gunpowder, per barrel or keg	0	1
Hams, bacon, or tongues, per ton	0	4
Hardware, per package	0	2
Hares and rabbits, per box or case	0	2
Hay, per ton	0	6
Hemp, per ton	0	9
Herrings :		
Cured, per barrel or case	0	1
Ditto, per box	0	0½
Hides :		
Ox, cow, or horse (wet or dry), each	0	0¼
Kips, each	0	0½
Iron :		
Bar, bolt, rod, and sheets, per ton	0	6
Pig and old, per ton	0	3
Manufactured, per ton	1	0
Pots and castings, per ton	1	0
Kelp, per ton	0	4
Lead, per ton	0	6
Leather, tanned and dressed, per cwt.	0	1
Lime, per ton	0	2
Limestone, per ton	0	1
Linseed meal, per ton	0	6
Machinery, per ton	1	0
Manure (not enumerated), per ton	0	3
Musical instruments, per cubic foot	0	1
Oakum, per ton	0	4
Oils, per tun	0	6
Oilcake, and other feeding cakes, per ton	0	6
Oranges and lemons, per box	0	1
Ores, per ton	0	2

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Oysters, per tierce or per six bags	0	2	—
Paint, per ton	1	0	
Palm, nut, and other feeding meals, per ton	0	6	
Pitch and tar, per barrel	0	1	
Potatoes, per ton	0	3	
Poultry and game, per package	0	2	
Rags and old rope, per ton	0	3	
Rice, or rice meal, per ton	0	6	
Sails, per bale	0	3	
Salt, per ton	0	1	
Seeds (not otherwise enumerated), per ton	0	6	
Skins :—Calf, goat, sheep, lamb, or dog, per dozen	0	2	
Slates, per ton	0	3	
Soda, per package	0	1	
Spirits (Foreign or British), per puncheon	0	6	
Ditto ditto per hogshead	0	3	
Ditto ditto per quarter cask	0	2	
Stones, sawn or dressed, per ton	0	2	
Steel, per ton	0	6	
Sugar, per ton	0	6	
Tallow, soap, and candles, per ton	0	6	
Tea, per chest	0	1	
Tiles, per ton	0	3	
Tin and tin plates, per ton	0	6	
Tobacco, unmanufactured, per ton	1	0	
Ditto, manufactured, per package	0	1	
Turpentine and varnish, per barrel	0	2	
Vegetables (not enumerated), per crate	0	1	
Vinegar, per hogshead	0	1	
Vitriol, per carboy	0	0 <sup>1</sup> / <sub>2</sub>	
Wine, per butt or tierce	0	6	
Ditto, per hogshead	0	3	
Ditto, per quarter cask	0	2	
Ditto, bottled, per dozen bottles	0	1	
Wood:			
Deals, boards, battens, ends, per 120 of 12 × 9 × 3	1	0	
Fir, pine, and other descriptions, not enumerated, and oak or wainscot, per load of 50 feet	0	3	
Laths and lathwood, per fathom of 216 cubic feet	0	3	
Handspikes, per 120	0	3	
Oars, per 120	0	3	
Masts and spars, per load of 50 feet	0	3	
Trenails, per 1,000	0	3	
Pipe staves, and others in proportion, per 120	0	3	
Pit wood and railway sleepers, per ton	0	1	
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	0	6	
Wool, per bale	0	3	
Yarn, per bale	0	3	

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ARTICLES IMPORTED OR EXPORTED, WHICH ARE NOT BEFORE  
ENUMERATED.

	s.	d.
Puncheons, each - - - - -	0	6
Hogsheads, each - - - - -	0	3
Casks, not otherwise described, and not being as large as hogsheads, each - - - - -	0	2
Tierces, each - - - - -	0	2
Trunk, chest, bale, box, case, crate, or truss, each - - - - -	0	1
Barrel or half-barrel, firkin or keg, each - - - - -	0	1
Hamper or half-hamper, or basket, each - - - - -	0	1
Bag, bundle, or sack, each - - - - -	0	1

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods, per ton of 40 cubic feet - - - - -	0	4
Heavy goods, per ton - - - - -	0	4

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified a portion of the respective rates shall be charged.