



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

# VICTORIÆ REGINÆ.

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## Cap. xcvi.

An Act to authorize “the Commissioners for improving the Port and Harbour of *Waterford*” to construct a Dry Dock and Road, and other Works connected therewith respectively; and for other Purposes. [13th July 1868.]

**W**HEREAS by an Act passed in the Session holden in the 9th and 10th Years of Her Majesty, intituled *An Act for improving, preserving, maintaining, and better regulating the Port and Harbour of Waterford, and for other Purposes relating thereto*, the Persons therein mentioned were constituted Commissioners for the Purposes of that Act, with perpetual Succession, by the Name and Style of “The Commissioners for improving the Port and Harbour of *Waterford*” (herein-after called “the Commissioners”), and were authorized to contract with Parties willing to sell or demise the same for the Purchase or Lease of Lands for certain Purposes therein mentioned, to maintain and improve the said Port and Harbour, and to levy Rates, and to exercise the other Powers by the said Act conferred: And whereas the Construction of the Dry Dock and Road herein-after described within the Limits of the said Harbour would be of local and public Advantage: And whereas the Cost of the Construction of such Dry

9 & 10 Vict.  
c. ccxcii.

[Local.]

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Dock

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Dock and Road is estimated at the Sum of Forty thousand Pounds or thereabouts: And whereas it is expedient that for the Purpose of the Construction of such Dry Dock and Road the said Commissioners should have the Powers herein-after mentioned: And whereas Plans and Sections describing the Lines and Levels of the Dry Dock and Road to be made and maintained under the Authority of this Act, and the Lands to be taken for the Purposes thereof, with Books of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerks of the Peace for the County of the City of *Waterford* and for the County of *Waterford*, and those Plans, Sections, and Books of Reference are hereinafter referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "*The Waterford Harbour (Dry Dock) Act, 1868.*"

Recited Act extended to Purposes of this Act.

2. Subject to the Provisions of this Act, the recited Act shall be applicable to and in respect of the Dry Dock and Road authorized by this Act, the Rates to be payable under this Act, and all Matters and Things relating to this Act, and for that Purpose the said Act and this Act shall be construed together as One Act, and the Word "*Harbour*" in the said Act shall include such Dry Dock and Road.

8 &amp; 9 Vict. c. 18., 23 &amp; 24 Vict. c. 106., and Sects. 13. to 19. of 26 &amp; 27 Vict. c. 92. incorporated.

3. "*The Lands Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" and Sections Thirteen to Nineteen, both inclusive, of "*The Railways Clauses Act, 1863,*" are (except where expressly varied by this Act) incorporated with and form Part of this Act; and in construing the said Sections of "*The Railways Clauses Act, 1863,*" the Words "*Work*" and "*Railway*" shall be taken to mean the Dry Dock and Road authorized by this Act.

10 &amp; 11 Vict. c. 27. incorporated in part.

4. The Clauses of "*The Harbours, Docks, and Piers Clauses Act, 1847,*" (as amended by "*The Harbours Transfer Act, 1862,*") with respect to the following Matters, (that is to say,)

With respect to the Construction of that Act and any Act incorporated therewith;

With respect to the Construction of the Harbour, Dock, or Pier;

With

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With respect to the Construction of Warehouses, Wharfs, and other Conveniences;

With respect to Access to the Special Act;

With respect to the Saving of Rights;

are (except where expressly varied by this Act) incorporated with and form Part of this Act.

5. Subject to the Provisions of this Act, the Commissioners may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Dry Dock and Road hereinafter described, with all proper Works and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose.

Power to  
construct  
Works.

6. The Dry Dock and Road herein-before referred to and authorized by this Act are:—

Description  
of Works  
authorized.

First. A Dry Dock (with Embankments, Basins, Gates, Piers, Sluices, Drains, Cuts, Channels, Locks, Feeders, Quays, Wharfs, Warehouses, Roads, Approaches, Avenues, and other Works and Conveniences,) on the North-east Bank or Foreshore of the River *Suir* at or near *Cromwell's Rock* in the Townland of *Christendom*, Parish of *Kilculliheen*, in the County of the City of *Waterford* and County of *Waterford*; the said Dock and Works to be constructed partly on Land situate on the South-east Side of *Rockland House*, and lying between the said River and the Road leading from *Ferrybank* to *Annemount House*, and which Land belongs or did lately belong or is or was reputed to belong to *Robert Romney Rea* Esquire, and is or lately was occupied by *William Fitzgerald* Esquire of *Rocklands*, *James Doherty* of *Newtown House*, *Christendom*, and *Denis Keeffe* of *Christendom*, and partly on the Foreshore adjoining to the said Land; the said intended Dock to commence at a Point on the said North-east Bank or Foreshore in that Portion of the said Townland of *Christendom*, Parish of *Kilculliheen*, which is in the County of the City of *Waterford* (or, being extra-parochial, adjacent thereto), which said Point of Commencement is situate Five hundred and thirty-five Yards or thereabouts, measured in a South-easterly Direction, from the Boundary Wall on the South Side of the Ferry Slip, near the *Abbey Church*, in that Portion of the Townland of *Abbeylands*, Parish of *Kilculliheen*, which is in the County of the City of *Waterford*; and the said intended Dock is to terminate at a Point in that Portion of the Townland of *Christendom*, Parish of *Kilculliheen*, which is in the County of *Waterford*, and in a Field now or lately belonging or reputed to belong to the said

*Robert*

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*Robert Romney Rea* Esquire, and occupied by the said *James Doherty*, which said Point of Termination is situate One hundred and thirty-three Yards or thereabouts, measured in a South-easterly Direction, from the Point of Commencement of the said intended Dock herein-before described; and the said intended Dock and relative Works will be situate in the Townland of *Christendom*, Parish of *Kilculliheen*, and Foreshore of the River *Suir* adjacent thereto:

Second. A Road leading to the said intended Dock (with all necessary Fences, Approaches, Walls, Works, and Conveniences) commencing in the Portion of the said Townland of *Abbeylands*, Parish of *Kilculliheen*, which is in the County of the City of *Waterford*, at or near a Point on the public Road leading to the said Ferry Slip where the said Road terminates at such Slip, thence going in a South-easterly Direction upon, along, or adjoining to the said North-east Bank or Foreshore, and terminating at or near the Point of Commencement of the said intended Dock herein-before described; and the said Road and relative Works will be situated in the Townlands of *Abbeylands* and *Christendom*, Parish of *Kilculliheen*, and Foreshore of the River *Suir* adjacent thereto.

Powers of  
Deviation.

7. The Commissioners may make lateral Deviations from the Lines of the Dry Dock and Road by this Act authorized to the Extent marked on the deposited Plans, and may make vertical Deviations from the Levels defined on the deposited Sections to any Extent not exceeding Five Feet: Provided always, that nothing in this Enactment shall authorize the taking of any Lands not described in the deposited Books of Reference.

Power to  
borrow  
Money.

8. It shall be lawful for the Commissioners, for the Purposes of defraying any Expenses to be incurred by them in the Execution of this Act, to borrow and take up at Interest any Sums of Money, not exceeding in the whole the Sum of Forty-three thousand Pounds, which may appear to the Commissioners necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the Rates payable under the recited Act and this Act; and (subject to the Provisions of this Act) the Clauses of "The Commissioners Clauses Act, 1847," "with respect to the Mortgages to be executed by the Commissioners," are incorporated with and form Part of this Act.

10 & 11 Vict.  
c. 16.

Amount to  
be set apart  
yearly for  
Sinking  
Fund.

9. The Sum to be appropriated and set apart yearly under Section 84 of "The Commissioners Clauses Act, 1847," shall be such

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such Sum, not less than One Fortieth Part of the Money borrowed under this Act, as the Commissioners from Time to Time think fit.

10. The Commissioners for executing the Acts authorizing Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the Poor, may, if they think fit, lend to the Commissioners, on the Security of the said Rates or any Part thereof, all or any Part of the Money authorized to be borrowed under this Act upon the Terms upon which the Commissioners for executing the said Acts are for the Time being empowered to lend Monies under the said Acts to Persons or Bodies having Power to borrow the same, and the Commissioners may borrow all or any Part of the Money authorized to be borrowed by them under this Act upon such Terms accordingly; but nothing in this Enactment shall be construed to affect any Powers of lending or borrowing which would have been vested in the Commissioners for executing the said Acts, or in the Commissioners, if this Enactment had not been made.

Loans by Public Works Loans Commissioners.

11. The Commissioners may from Time to Time reborrow any Amount from Time to Time repaid or about to be repaid by them, unless it be repaid by means of the Sinking Fund, in which Case, and to the Extent of the Amount paid off by means of such Sinking Fund, their Powers of borrowing and reborrowing shall cease.

Power to re-borrow.

12. 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 authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Four thousand five hundred Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

13. All Monies borrowed by the Commissioners under this Act shall be applied to the Payment of the Costs of this Act, and to the Construction of permanent Works and Purchase of Lands for the Purposes of this Act only.

Application of Monies.

14. The Powers of the Commissioners for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Powers for compulsory Purchases limited.

15. The Dry Dock and Road authorized by this Act shall be completed within Ten Years from the passing of this Act, and if the said Dry Dock and Road shall not be completed within that Period, then on the Expiration thereof the Powers by this Act granted to the Commissioners for making and completing the said

Period for Completion of Works.

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Dry Dock and Road, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Rates for  
Use of Dry  
Dock.

16. The Commissioners may demand, receive, and recover from the Owners or Masters of Vessels using the Dry Dock to be constructed under this Act, and the Conveniences connected therewith, such Rates, not exceeding the Rates specified in the Schedule to this Act, as the Commissioners may from Time to Time appoint.

Alteration of  
Limit of  
Amount of  
Salaries of  
Officers.

17. And whereas by reason of the Construction and Use of the Works authorized by this Act it may be necessary to increase the Duties of existing Officers of the Commissioners, or to appoint additional Officers, and it is therefore expedient to alter the existing Restrictions as to the Amount of Salaries of particular Officers, and the entire Amount of Salaries of Officers of the Commissioners :

So much of the said Act as limits the Amount of Salary of any Officer of the Commissioners, or the entire Amount of Salaries to the Officers of the Commissioners, shall be repealed, and the entire Amount of Salaries to the Officers of the Commissioners shall not exceed the yearly Sum of One thousand Pounds, unless the Commissioners previously obtain the Sanction of the Board of Trade to that Sum being increased; but in no Case shall such increased Sum exceed One thousand two hundred Pounds *per Annum*.

Provision as  
to General  
Acts.

18. Nothing in this Act shall be construed to exempt any Works authorized thereunder, or the Commissioners in respect thereof, from the Provisions of any General Act relating to Docks now or hereafter in force, or from any future Revision or Alteration, under the Authority of Parliament, of the Rates authorized by this Act.

Rights of  
Public  
Works  
Loan Com-  
missioners  
not to be  
affected.

19. Nothing in this Act shall affect the Rights or Remedies of the Public Works Loan Commissioners or their Secretary in respect of their Securities for any Monies which at the Time of the passing of this Act may have been advanced by them to the Commissioners and may remain due, or for any Interest on such Monies.

Saving  
existing  
Powers of  
Commis-  
sioners.

20. Save as herein otherwise expressed, nothing in this Act shall be construed to repeal, lessen, or interfere with any of the Powers, Provisions, Authorities, or Restrictions of the recited Act.

Saving of  
Rights of  
the Crown.

21. Nothing in this Act shall authorize the Commissioners to take, use, or in any Manner interfere with any Land or Hereditaments, or any Rights of whatsoever Description, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the

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the Consent in Writing of the Board of Trade on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Board of Trade are hereby authorized to give), neither shall anything in this Act 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.

22. All 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 out of any Monies arisen or to arise under the recited Act, or out of any Monies to arise or be raised under this Act. Expenses of Act.

SCHEDULE referred to in this Act.

RATES TO BE CHARGED AND PAID FOR THE USE OF THE DRY DOCK AND CONVENIENCES CONNECTED THEREWITH.

For every Vessel.	Under 50 Tons.	50 and under 100 Tons.	100 and under 150 Tons.	And for every progressive 50 Tons.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For Two Tides, the Tide in and the next Tide out - - - }	1 16 0	2 2 0	2 8 0	0 6 0
For Three ditto, including going in and coming out - - - }	2 2 0	2 9 0	2 16 0	0 7 0
For Four ditto - - - - -	2 8 0	2 16 0	3 4 0	0 8 0
For Five ditto - - - - -	2 14 0	3 3 0	3 12 0	0 9 0
For Six ditto - - - - -	3 0 0	3 10 0	4 0 0	0 10 0
For Seven ditto - - - - -	3 6 0	3 17 0	4 8 0	0 11 0
For Eight ditto - - - - -	3 12 0	4 4 0	4 16 0	0 12 0
Above Eight ditto, and not exceeding Twenty-four Tides - - }	6 0 0	8 0 0	9 0 0	1 0 0
Above Two Neaps - - - - -	12 0 0	16 0 0	18 0 0	2 0 0
Above Three ditto - - - - -	18 0 0	24 0 0	27 0 0	3 0 0
Above Four ditto - - - - -	24 0 0	32 0 0	36 0 0	4 0 0
Above Five ditto - - - - -	30 0 0	40 0 0	45 0 0	5 0 0
Above Six ditto - - - - -	36 0 0	48 0 0	54 0 0	6 0 0
Above Seven ditto - - - - -	42 0 0	56 0 0	63 0 0	7 0 0
Above Eight ditto - - - - -	48 0 0	64 0 0	72 0 0	8 0 0

And in addition thereto, for docking, pumping, and undocking, Use of Staging Shores, &c. :—

	£	s.	d.
Vessels not exceeding 500 Tons - - - - -	20	0	0
Vessels exceeding 500 Tons, and not exceeding 1,000 Tons - - - - -	30	0	0
Vessels exceeding 1,000 Tons - - - - -	50	0	0

FOR

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## FOR HAULING UP UPON INCLINED PLANE OR SLIP.

	£	s.	d.
Vessels not exceeding 300 Tons	3	3	0
"    "    500    "	4	4	0
"    "    750    "	6	6	0
"    "    1,000    "	12	12	0
"    of 1,000 and upwards	15	15	0

## FOR SHEERS.

For getting out, landing, lifting, or shipping Boilers, Machinery, or other heavy Articles:—

	£	s.	d.
In Pieces under 2 Tons - - - per Ton	0	5	0
In Pieces of 2 and not exceeding 10 Tons - "	0	7	6
In Pieces exceeding 10 Tons - - - "	0	10	0

An additional Charge will be made on very valuable Machinery, or where great additional Risk from Weight is incurred.

Rent per Week for Boilers, Funnels, Cylinders, and the like - - - - - per Ton	0	0	3
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## MASTING RATES.

Ships under 300 Tons - - -	1½d.	per Register Ton, N.M.
"    300 and under 500 Tons - 2	"	"
"    500    "    750    " - 2½	"	"
"    750    "    1,000    " - 3	"	"
"    1,000 and upwards - 4	"	"

With the Use of Cranes for shipping Spars, Tanks, &c. for Outfit, but exclusive of Labour which must be found by the Shipowner.

For Use of Furnace, Drills, Steam Tanks, or other Tools, Fifteen Shillings each per Day or Part of a Day when used.

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