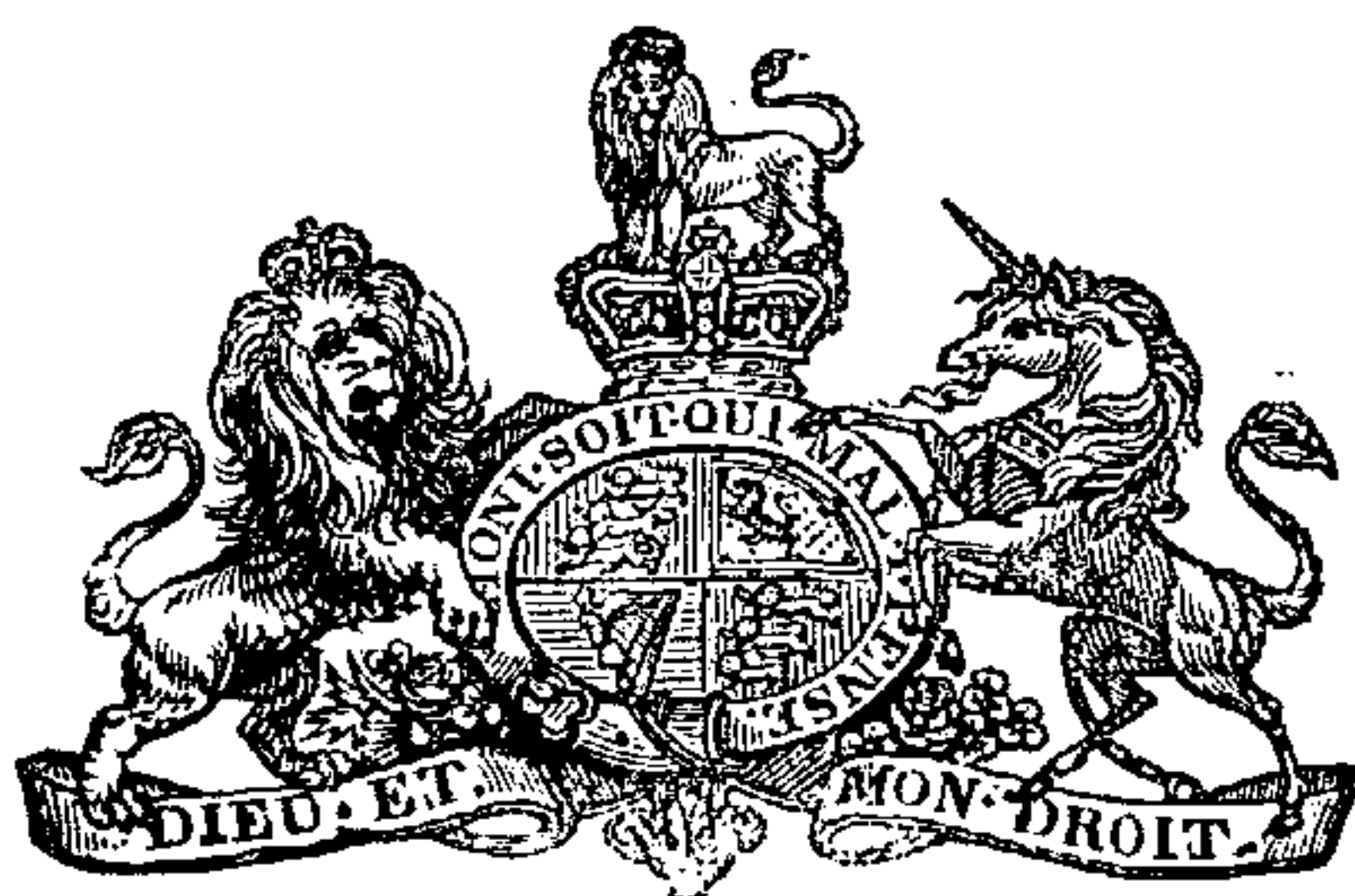




CHAP. xli.

An Act to explain and amend certain enactments contained in the Commissioners Clauses Act, 1847, incorporated with the Belfast Harbour Act, 1847 ; and for other purposes. A.D. 1871.
[16th June 1871.]

WHEREAS by the Belfast Harbour Act, 1847, the Belfast Harbour Commissioners (in this Act called “the Commissioners”) were incorporated, with power to execute certain works, and for that purpose to borrow money, acquire lands, and to demand and exact reasonable rents or rates from persons using or occupying sheds, warehouses, storehouses, cranes, weighing machines, buildings, and other works then erected or thereafter to be erected for the accommodation of the trade of Belfast Harbour : 10 & 11 Vict. c. lii.

And whereas the Commissioners Clauses Act, 1847, was incorporated with the said Act, save so far as altered or otherwise provided for by the said Act : 10 & 11 Vict. c. 16. (*Pub.*)

And whereas the Harbours, Docks, and Piers Clauses Act, 1847, was also incorporated with the said Belfast Harbour Commissioners Act, save so far as altered or otherwise provided by the said Act, and by the said Harbours, Docks, and Piers Clauses Act, 1847, the Commissioners were empowered to lease or grant the use or occupation of any warehouses, buildings, wharves, yards, cranes, machines, and other conveniences provided by them for the purposes of the said Belfast Harbour Act, 1847, or the said Harbours, Docks, and Piers Clauses Act, 1847, at such rents and upon such terms and conditions as might be agreed upon between the Commissioners and the persons taking the same : Provided that no such lease should be granted for a longer term than three years : 10 & 11 Vict. c. 27. (*Pub.*)

And whereas by the Belfast Port and Harbour Conservancy Act, 1852, the Commissioners were empowered to execute further works and to acquire further lands : 15 & 16 Vict. c. cxxi.

And whereas by the Belfast Dock Act, 1854, the Commissioners were authorised to execute further works, and for that purpose to borrow more money and to acquire additional lands : 17 & 18 Vict. c. xlv.

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10 & 11 Vict.
c. 16. (*Pub.*)

And whereas by the Commissioners Clauses Act, 1847, as incorporated with the said Belfast Harbour Act, 1847, it is amongst other things enacted (section nine), “That any person who at any time
“ after his appointment or election as a Commissioner shall accept
“ or continue to hold any office or place of profit under the Belfast
“ Harbour Commissioners Act, 1847, or be concerned or participate
“ in any manner in any contract, or in the profit thereof, or of any
“ work to be done under the authority of the Belfast Harbour Act,
“ 1847, shall thenceforth cease to be a Commissioner, and his office
“ shall thereupon become vacant;” and it is by the said Act further enacted (section fifteen), “That every person who shall act as a
“ Commissioner, being incapacitated or not duly qualified to act, or
“ after having become disqualified, shall for every such offence be
“ liable to a penalty of fifty pounds:”

And whereas certain persons who have been elected as Commissioners under the Belfast Harbour Act, 1847, and the Acts incorporated therewith, and who have acted as such, have, after they were so elected, and while they acted as such Commissioners, lent money to the Commissioners acting under the authority of the said Acts, and have taken and held bonds of the Commissioners executed in pursuance of the authority of said Acts, or some of them, as securities for the money borrowed by the Commissioners under their borrowing powers:

And whereas certain persons who were so elected and acted as aforesaid have, after they were elected and while they so acted, held under the Commissioners, as tenants from year to year, or for other less periods, certain of the tenements and hereditaments which were vested in the Commissioners under and by virtue of the said Acts, at rents demanded by the Commissioners for the use and occupation thereof, under the authority of the said Belfast Harbour Act, 1847, or the Acts incorporated therewith:

And whereas doubts have arisen as to the extent and meaning of the word “contract” in the said Commissioners Clauses Act, 1847, and as to whether it should be construed to include loans of money to the Commissioners, or bonds or other instruments executed by them for the security of such loans under the authority of their said Acts, or any of them, or to include demises or leases of any lands, tenements, messuages, hereditaments, or other property which the Commissioners are empowered to demise or lease under the said Acts, or any of them, or to include any agreements for such loans, securities, demises, or leases:

And whereas it is expedient that such doubts should be removed, and that persons elected and acting as Commissioners should be at liberty to make loans to the Commissioners when borrowing in

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pursuance of the powers and authorities vested in them by the said Acts, or any of them, or any Acts to be passed hereafter, and to take securities for the same, and also to enable them to accept demises and leases from the Commissioners of any lands, tenements, hereditaments, or other property which the Commissioners are authorised to demise or lease under the authorities of the said Acts, or any of them, notwithstanding the provisions of the Commissioners Clauses Act, 1847, herein-before referred to :

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 :

1. This Act may be cited for all purposes as "The Belfast Harbour Commissioners Act, 1871." Short title.

2. In this Act the word "Commissioners" shall mean the Belfast Harbour Commissioners. Interpretation.

3. From and after the passing of this Act the word "contract" contained in section nine of the Commissioners Clauses Act, 1847, shall not extend to or include, or be construed to extend to or include, any loan made to the Commissioners, or to any bond or other instrument executed by them for securing the same, or to extend to or include any agreement for or relating to such loan, bond, or other security : Provided such loans and agreements are made by public offer, and are offered on the same terms and conditions, and subject to the same provisions, to the general public. The word "contract" not to extend to any loans or bonds.

4. After the passing of this Act the word "contract" in the said enactment shall not extend to or include, or be construed to extend to or include, any demise or lease which the Commissioners are authorised or empowered to make under the authorities of the said Acts, or any of them, or to extend to or include any agreement for or relating to such demise or lease. The word "contract" not to extend to leases, &c.

5. From and after the passing of this Act no person who has been or is a Commissioner shall be deemed to have been or to be disqualified to be elected or to be a Belfast Harbour Commissioner by reason only of his having or having had, directly or indirectly, by himself or any partner, any share or interest in the loan of money to the Commissioners, or in any bond or other security for the payment of money, or the interest thereon, or in any agreement for or Commissioners not to be disqualified in consequence of interest in loans.

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Commissioners not to vote or take part in discussion if pecuniarily interested.

6. It shall not be lawful for any of the Commissioners to vote on or take any part in the discussion of any matter having reference to any demise or lease in which such Commissioner shall, directly or indirectly, by himself or his partner or partners, have any pecuniary interest.

Persons against whom suits have been commenced for penalties respecting contracts may apply to have the same determined upon payment of costs.

7. After the passing of this Act it shall be lawful for any person or persons against whom any writ, action, suit, plaint, or information shall have been sued out, commenced, or prosecuted, on or before the eighteenth day of November one thousand eight hundred and seventy, for the recovery of any penalty or penalties incurred under the enactments herein-before referred to by reason of any extension or construction of the word "contract" therein contained, beyond or different from what is herein enacted, to apply to the court in which such writ, suit, action, plaint, or information shall have been sued out or prosecuted, if such court shall be sitting, or if such court shall not be sitting, to any judge of one of the Superior Courts at Dublin, for an order that such writ, suit, action, plaint, or information shall be discontinued upon payment of the costs of all proceedings had on or before the said eighteenth day of November one thousand eight hundred and seventy, to be taxed according to the practice of such court, and of such costs, if any, of any proceedings had after the said eighteenth day of November, as the court or judge making such order shall direct; and every such court or judge is hereby authorised and required, upon such application, and proof that sufficient notice has been given to the plaintiff or plaintiffs, or to his or their attorney, of the application, to make such order as aforesaid, and upon the making of such order, and upon payment or tender of such costs as aforesaid, such writ, suit, action, plaint, or information shall be forthwith discontinued.

Judges empowered to order suits commenced before the 18th of November 1870

8. In all cases in which any such writ, suit, action, plaint, or information shall have been sued out or commenced at any time subsequent to the said eighteenth day of November one thousand eight hundred and seventy, it shall be competent for such court or

judge as aforesaid, and such court or judge as aforesaid is hereby required, upon such application and proof as aforesaid, to make such order as aforesaid for discontinuing the same, without payment of any costs, and upon making such order such suit, action, plaint, or information shall be forthwith discontinued.

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to be discontinued upon payment of costs.

9. All the costs, charges, and expenses of and incident to the obtaining of this Act shall be paid by the Commissioners.

Expenses of Act.

