



CHAPTER vi.

An Act to make provision with respect to Mortgages by the Municipal Commissioners of the Borough of Carrickfergus and the Carrickfergus Harbour Commissioners of their respective Properties for the improvement of Carrickfergus Harbour; and for other purposes. [29th June 1880.] A.D. 1880.

WHEREAS the Municipal Commissioners of the Borough of Carrickfergus (in this Act referred to as "the Municipal Commissioners") are the Municipal Commissioners acting in the said borough in execution of an Act passed in the session of Parliament held in the third and fourth years of the reign of Her present Majesty, intituled "An Act for the regulation of municipal corporations in Ireland," and of the several Acts for the time being in force altering, amending, or affecting the same, (in this Act referred to as "the Municipal Corporation Acts,") are or claim to be entitled to certain tolls, rates, and dues, and are or claim to be seised and possessed of certain real and personal property consisting of the whole of the county of the town of Carrickfergus, the present rental of which produces one thousand and ninety-five pounds per annum, and which rental will as existing leases expire be considerably increased, (and which tolls, rates, and dues and property are in this Act referred to as "the municipal property,") and are for the purposes of the Municipal Corporation Acts (in this Act referred to as "municipal purposes") empowered to borrow moneys, and subject to the provisions of the Municipal Corporation Acts, and with the consent of the Commissioners of Her Majesty's Treasury, to secure the repayment of moneys borrowed for such purposes, together with the interest thereon, by the grant of mortgages of the municipal property : 3 & 4 Vict.
c. 108.

And whereas the Harbour Commissioners, under the authority of the Carrickfergus Harbour Order, 1862, and to provide for the payment of the expenses incurred by them in the execution of the works for the improvement of the said harbour by the said Order 25 & 26 Vict.
c. 51.

A.D. 1880. authorised, (which expenses, as also the expenses of carrying into
 28 & 29 Vict. effect the provisions of the Carrickfergus Orders, 1862, 1865, and
 c. 58. 1875, are in this Act referred to as "harbour expenses,") borrowed
 38 & 39 Vict. the sum of six thousand pounds from the Public Works Loan
 c. cxvii. Commissioners, and for securing the repayment to them of the said
 sum, together with interest thereon, after the rate and in the
 24 & 25 Vict. manner prescribed by the Harbours and Passing Tolls, &c. Act,
 c. 47. 1861, the Harbour Commissioners, by an indenture of mortgage
 bearing date the second day of August one thousand eight hundred
 and sixty-six, granted and assigned the harbour property to the
 secretary of the Public Works Loan Commissioners :

And whereas by an indenture of mortgage bearing even date with
 the said recited indenture the Municipal Commissioners (with the
 consent of the Commissioners of Her Majesty's Treasury), by way of
 secondary security for the repayment to the said Public Works Loan
 Commissioners of the said sum of six thousand pounds, together
 with the interest thereon, so lent to the Harbour Commissioners
 as aforesaid, granted and assigned the municipal property to the
 secretary of the said Public Works Loan Commissioners :

And whereas since the making of the last-mentioned indenture
 of mortgage the Municipal Commissioners have from time to time
 been called upon to pay, and have paid, certain sums of money
 towards the repayment of the said sum of six thousand pounds and
 the interest thereon :

And whereas doubts have arisen as to the power of the Municipal
 Commissioners to make the said last-mentioned indenture of mort-
 gage for better securing the repayment of the said sum advanced
 to the Harbour Commissioners for defraying harbour expenses, and
 of the interest on the said sum, inasmuch as such expenses were not
 for municipal purposes, and it is expedient to ratify and confirm
 the said indenture of mortgage, and to make the same good, valid,
 and effectual :

And whereas it is expedient that in case the Harbour Commissioners
 should at any time after the passing of this Act require to borrow
 on mortgage, in addition to the said sum of six thousand pounds, any
 further moneys which they are authorised to borrow by the Carrick-
 fergus Harbour Orders, 1862, 1865, and 1875, the Municipal Com-
 missioners should be empowered, for better securing such further
 moneys, from time to time, with the consent of the Commissioners
 of Her Majesty's Treasury, to grant mortgages of the municipal
 property as though such further moneys were required for muni-
 cipal purposes :

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; (that is to say,) A.D. 1880.

1. This Act may be cited for all purposes as the Carrickfergus Harbour Act, 1880. Short title.

2. The said indenture of mortgage bearing date the second day of August one thousand eight hundred and sixty-six, and made between the Municipal Commissioners of the one part and the secretary of the Public Works Loan Commissioners of the other part, and the grant and assignment by the Municipal Commissioners of the municipal property thereby made or intended to be made, are hereby respectively ratified and confirmed, and the same shall be and are hereby respectively declared to be as good, valid, and effectual in law, and binding on the parties thereto respectively from the day of the making the same, as if the same had respectively been duly made under the Municipal Corporation Acts to secure moneys advanced to the Municipal Commissioners for municipal purposes; and all payments before the passing of this Act made by the Municipal Commissioners on account of the principal moneys and the interest thereon, by the said indenture secured or intended to be secured, are hereby declared to have been duly made, as though the said moneys by the said indenture secured had been moneys advanced to the Municipal Commissioners for municipal purposes, and the said indenture had been duly made for securing the repayment of such last-mentioned moneys. Indenture of mortgage by Municipal Commissioners ratified and confirmed.

3. In case the Harbour Commissioners at any time after the passing of this Act, for the purposes of defraying harbour expenses, borrow on mortgage of the harbour property any sum or sums of money under the authority of the Carrickfergus Harbour Orders, 1862, 1865, and 1875, the Municipal Commissioners may, if required by the Harbour Commissioners, with the consent of the Commissioners of Her Majesty's Treasury, and subject to the provisions of the Municipal Corporation Acts as to mortgages of the municipal property, grant a mortgage or mortgages of the municipal property for better securing the repayment of any such sum or sums as aforesaid, together with the interest thereon, until the repayment thereof; and every such mortgage so made by the Municipal Commissioners shall be of the same force and effect as if the same had been made under the authority of the Municipal Corporation Acts for the purpose of securing moneys borrowed for municipal purposes. Power to Municipal Commissioners to secure moneys advanced for harbour expenses by mortgage of municipal property.

[Ch. vi.] *Carrickfergus Harbour Act*, 1880. [43 & 44 VICT.]

A.D. 1880.

Expenses of
Act.

4. All costs, charges, and expenses of and incidental to the preparing, applying for, and passing of this Act shall be paid by the Municipal Commissioners out of the first moneys which may come to their hands for municipal purposes.

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