



## CHAPTER xxx.

An Act for varying and making other provision as to certain A.D. 1874.  
of the Rates and Dues leviable by the Mersey Docks and  
Harbour Board ; and for other purposes. [30th June 1874.]

**W**HEREAS by “The Mersey Dock Acts Consolidation Act, 21 & 22 Vict.  
1858,” (in this Act called “the Act of 1858,”) it is enacted c. xcii.  
(section 238) that all vessels coming into or going out of the port  
of Liverpool, and not entering into the docks, shall be liable,  
according to the tonnage burden thereof, to the tonnage rates,  
therein-after and herein-after called harbour rates, specified in  
Schedule D. to that Act annexed, (and in that schedule divided  
into rates for lighthouses, for floating lights, and for buoying and  
maintaining,) according to the several and respective classes of  
voyages described in such schedule :

And whereas by section 230 of “the Act of 1858” it is provided  
that all vessels entering into or leaving the docks shall be liable,  
according to the tonnage burden thereof, to pay to the Mersey  
Docks and Harbour Board (in this Act called “the Board”) the  
rates, therein-after and herein-after called dock tonnage rates, men-  
tioned in Schedule B. to the said Act annexed, according to the  
several and respective classes of voyages described in such schedule :

And whereas the dock tonnage rates are divided in the said  
Schedule B. into dock dues, lighthouse dues, and floating light  
dues respectively :

And whereas the sums received by the Board for harbour rates  
and for the lighthouse dues and floating light dues so included in  
the dock tonnage rates are applied by the Board for the purposes  
(in this Act called “conservancy purposes”) mentioned in section  
54, sub-section 1, of “The Mersey Docks and Harbour Act, 1857,”  
(in this Act called “the Act of 1857,”) and all vessels coming into  
or going out of the port of Liverpool, whether entering into the  
docks or not, derive equal benefit from the expenditure on conser-  
vancy purposes :

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And whereas the harbour rates differ from the lighthouse dues and floating light dues so included in the dock tonnage rates, and it has been represented to the Board and they are satisfied that the sums levied for conservancy purposes on vessels coming into or going out of the port of Liverpool should be charged at the same rate, whether such vessels do or do not enter the docks, and with that view it is expedient that the harbour rates set forth in the schedule to this Act (being the aggregate amount of the lighthouse dues and floating light dues so included in the dock tonnage rates) should be substituted for those set forth in Schedule D. to the Act of 1858, and that such other provision as is in that behalf in this Act contained should be made with respect to the harbour rates and with respect to the amount to be contributed from the dock tonnage rates for conservancy purposes :

And whereas it is expedient that henceforward the receipts and expenditure of the Board in relation to the harbour rates should be deemed to be conservancy receipts and conservancy expenditure within the meaning of section 54 of "the Act of 1857," and should be dealt with accordingly in the accounts of the Board :

And whereas the account of conservancy receipts and expenditure (herein-after directed to be called "the conservancy account") is, with the other accounts of the Board, subject to the audit provided for by section 8 of "The Mersey Docks (Various Powers) Act, 1867," (in this Act called "the Act of 1867,") and it is expedient that the provisions of the Act of 1858 (sections 242, 243, and 244,) as to the revision of the harbour rates be repealed, and that provision be made with reference to the audit by the special auditor acting under section 8 of the Act of 1867 of such conservancy account :

And whereas by section 59 of the Act of 1858 it is provided that the Board may raise, destroy, remove, and take away any wrecks of vessels, and any vessels that shall be sunk in any dock or elsewhere within the port of Liverpool, or any of the sea channels leading thereto, and be in their judgment an obstruction to the safe and convenient navigation or use thereof, and may also remove any stone, timbers, anchors, or other obstructions or impediments to such navigation that may be found or arise therein, and that in case the master or owner of such vessel or other obstruction shall refuse or neglect to pay the charge of removing the same for the space of three days after demand, or in case any such master or owner cannot be found, then the Board may sell the same, and out of the proceeds of such sale retain the expenses incurred in raising, destroying, and removing such wrecks or other obstructions and the charges of detainer and sale, rendering the overplus to the

person entitled to the same, and that if from such proceeds sufficient to pay all the aforesaid charges shall not be recovered, then the deficiency shall be recoverable from the master or owner of such vessel or articles so raised, destroyed, or removed in like manner as penalties are by the said Act authorised to be recovered :

And whereas it is expedient that the last-mentioned section be repealed and other provision made in lieu thereof :

And whereas by the 32nd section of the Act of 1857 certain dues called town dues, which had been theretofore levied by the corporation of Liverpool, were transferred to and vested in the Board, and by section 271 of the Act of 1858 the Board were empowered from time to time (subject to the approval of the Board of Trade) to alter, increase, or diminish the town dues so vested in them, and that either generally or in respect of any particular articles :

And whereas in the case of goods imported or exported by vessels trading coastwise to or from the port of Liverpool the ascertaining of the amount of town dues payable to the Board in respect of such goods is attended with inconvenience and expense, and it is expedient that such provision be made with reference thereto as in this Act is contained in that behalf :

And whereas the purposes of this Act 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,)

1. This Act may be cited as "The Mersey Docks Act, 1874."

Short title.

2. So much of the Act of 1858 as relates to the meanings to be assigned to certain words and expressions, being section 3 of such Act, is incorporated with and forms part of this Act.

Interpretation of terms.

3. From and after the first day of October one thousand eight hundred and seventy-four every vessel which shall come into or go out of the port of Liverpool, and which shall not enter into the docks, shall be liable as and by way of harbour rates, instead and in place of the rates set forth in Schedule D. to the Act of 1858, to the rates set forth in the schedule to this Act: Provided always, that the Board may, when and as they shall deem it expedient so to do, from time to time lower, and again from time to time advance the last-mentioned rates, but so that the same shall never respectively exceed the respective amounts mentioned in the said schedule to this Act, and so that the rates to be paid in respect of the several

Harbour rates from 1st Oct. 1874 as in schedule to this Act ; but Board may vary them.

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and respective classes of voyages described in that schedule shall at all times bear to each other the same proportion as that which the rates specified in that said schedule bear to each other, and so that the same when so lowered or advanced be not, with the other receipts of the Board applicable to conservancy account, higher than is necessary for the purposes of conservancy expenditure.

Difference to be repaid in case of vessels entering the port since 1st Jan. 1872.

4. As regards any vessel which between the first day of January one thousand eight hundred and seventy-two and the first day of October one thousand eight hundred and seventy-four, both inclusive, shall have come into or gone out of the port of Liverpool, and which shall not have entered or shall not enter into the docks, and with respect to which harbour rates shall have been received by the Board, the Board shall and they are hereby authorised and required forthwith after the passing of this Act to repay to the owner of such vessel or other the person who shall have paid such harbour rates the difference between the amount so paid and the amount which would have been applied to conservancy purposes in respect of such vessel if such vessel had entered into the docks, and shall forthwith give notice by the general post to every such owner or other person of the amount of such difference, and that the Board are willing to pay the same; and the Board shall also pay all reasonable costs, charges, and expenses which have been incurred in connexion with any proceedings, whether at law or in equity or before Parliament, in relation to the validity of the order of the revisors of harbour rates acting under sections 242, 243, and 244 of the Act of 1858, dated the twenty-third day of December one thousand eight hundred and seventy-one, or in relation to the amount properly chargeable by the Board for harbour rates; and every such repayment (including such costs, charges, and expenses) shall be deemed to be part of the conservancy expenditure of the Board, and in the annual account of the Board rendered next after the repayment shall be included accordingly in the conservancy account.

Conservancy portion of dock tonnage rates to be applied to conservancy purposes and carried to conservancy account.

5. From and after the said first day of October one thousand eight hundred and seventy-four the sums arising from lighthouse dues and floating light dues included in the dock tonnage rates, which have heretofore been carried to conservancy account and applied for conservancy purposes, shall not be so dealt with, and shall be deemed part of the receipts applicable to the general expenditure, but the Board, from and out of the dock tonnage rates becoming payable from and after the said first day of October one thousand eight hundred and seventy-four in respect of each vessel entering into or leaving the docks from or upon any voyage, shall provide and apply for conservancy purposes an amount per ton of such vessel equal to the amount per ton for the time being payable

under this Act for harbour rates for the same voyage, and such amounts (herein-after referred to as "the conservancy portion of the dock tonnage rates") shall be carried to the credit of the conservancy account herein-after mentioned: Provided always, that nothing in this Act contained shall prejudice or affect the powers of the Board in relation to levying, raising, or lowering all or any of the dock tonnage rates.

6. From and after the passing of this Act all sums received by the Board in respect of harbour rates and the conservancy portion of the dock tonnage rates, whether under the Act of 1858 or under this Act, and all sums disbursed by the Board in respect of conservancy expenditure as defined by section 54, sub-section 1, of the Act of 1857, shall be deemed to be conservancy receipts or conservancy expenditure, as the case may be, and shall be accordingly thenceforward included in the separate account of conservancy receipts and conservancy expenditure which by that section the Board are required to keep, and such account shall be called "the conservancy account."

Harbour rates to be in future included in conservancy account.

7. The sections numbered 239, 242, 243, and 244, and also from and after the first day of October one thousand eight hundred and seventy-four Schedule D., of the Act of 1858 are by this Act repealed.

Sections 239 & 242 to 244 and Schedule D. of Act of 1858 repealed.

8. The special auditor appointed under the 8th section of the Act of 1867 shall in each year appoint a day for the audit of the conservancy account, and shall give not less than seven days notice of the day so appointed by advertisement in two newspapers published in Liverpool, and by the general post to the owner of every dock on the river Mersey at which vessels paying harbour rates discharge or load.

Special auditor to appoint a day for audit of conservancy account.

9. The special auditor in examining the conservancy account shall satisfy himself that all items of receipt and expenditure belonging to that account, and none other, are entered therein, and shall allow, disallow, or surcharge accordingly, and any person who has paid or is liable to pay any harbour rates included in such account may attend the audit on the day so appointed and may object to such account, and any person aggrieved by any allowance, disallowance, or surcharge by the special auditor may require him to state the reasons for the said allowance, disallowance, or surcharge, and the special auditor shall state such reasons in writing in the book of account in which the allowance, disallowance, or surcharge may be made, and it shall be lawful for every person aggrieved by such allowance, disallowance, or surcharge, or for the Board, to apply to the Court of Queen's Bench for a writ of certiorari

Harbour ratepayers may attend audit.

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to remove into the said court the said allowance, disallowance, or surcharge, in the like manner and subject to the like conditions as are provided in respect of persons suing forth writs of certiorari for the removal of orders of justices of the peace, except that the condition of the recognizance shall be to prosecute such certiorari at the costs and charges of such person or of the Board, as the case may be, without any wilful or affected delay, and if such allowance, disallowance, or surcharge be confirmed, to pay to such special auditor or his successor within one month after the same may be confirmed his full costs and charges, to be taxed according to the course of the said court, and except that the notice of the intended application, which shall contain a statement of the matter complained of, shall be given to such special auditor or his successor, who shall in return to such writ return a copy under his hand of the entry or entries in such book of account to which such notice shall refer, and shall appear before the said court and defend the allowance, disallowance, or surcharge so impeached in the said court, and shall be reimbursed all such costs and charges as he may incur in such defence out of the conservancy receipts of the Board, unless the said court make any order to the contrary, and that on the removal of such allowance, disallowance, or surcharge the said court shall decide the particular matter of complaint set forth in such statement, and no other, and if it appear to such court that the decision of the said special auditor was erroneous they shall, by rule of the court, order that the entry or entries in such book of account so impeached shall be corrected as the court may think proper, and they may also, if they see fit, by rule of the court, order the costs of all or any of the parties in relation to such certiorari to be paid by the Board out of their conservancy receipts, which rules of court respectively shall be enforced in like manner as other rules of the said court are enforceable.

Remuneration to special auditor for additional services.

**10.** The Board may pay to the special auditor in respect to the additional duty by this Act imposed upon him such reasonable sum, not exceeding ten guineas in any year, as the Board think fit, in addition to the salary or other remuneration payable to him for the time being under the Act of 1867, and such sums shall be included in the conservancy account.

Repeal of section 59 of Act of 1858. Substituted provisions as to removal of obstructions to navigation.

**11.** The section numbered 59 of the Act of 1858 is by this Act repealed, and in lieu thereof be it enacted, that the Board may raise, destroy, or remove any wrecks of vessels, or any vessels that may have been or shall hereafter be sunk or stranded in any dock or elsewhere within the port of Liverpool, or any of the sea channels leading thereto, and which shall be in their judgment an obstruction to the safe and convenient navigation or use thereof, and may also

raise, destroy, or remove any cargo or part of any cargo of any such vessel or wreck, and also any stone, timber, anchor, chain, or other matter, article, or thing being in their judgment an obstruction or impediment to such use or navigation in any dock, sea channel, or elsewhere as aforesaid, and the Board may sell in such manner as they may think proper the said vessel or wreck and cargo or other matter or thing so raised or removed, or any article or thing which may be saved from any wreck which may be destroyed, and out of the proceeds of such sale, which when arising from any vessel, wreck, or property saved therefrom, and from the cargo of such vessel or wreck, shall be regarded as a common fund for that purpose, may retain the expenses of raising, destroying, or removing such vessel or wreck and the cargo or any part of the cargo thereof, or of raising, destroying, or removing any stone, timber, anchor, chain, or other obstruction or impediment, together with the expenses of detainer and sale, rendering the overplus (if any) to the person or persons entitled to the same; provided that, except in the case of property which is of a perishable nature or which would deteriorate in value by delay, no sale shall be made under the provisions of this section until notice of such intended sale shall have been given for at least seven clear days by advertisement in two Liverpool newspapers, and at any time before any property shall be sold the owner thereof shall be entitled to have the same delivered to him on payment to the Board of the fair market value thereof, to be ascertained by agreement between the Board and such owner, or failing such agreement by some person to be named for that purpose by the Mayor of Liverpool for the time being, and the sum paid to the Board as the value of any property under this provision shall be deemed to be proceeds of sale for the purposes of this section.

**12.** The Board on the one hand, and any owner or master of or agent for any vessel trading coastwise to or from the port of Liverpool, or any person or persons interested in goods, merchandise, or cargo carried by any such vessel, on the other hand, may from time to time enter into and carry into effect, vary, and rescind agreements or arrangements with respect to the mode of calculation or payment or the time of payment of town dues payable to the Board in respect of all or any goods, merchandise, articles, or things forming the cargo or part of the cargo of any such vessel: Provided always, that in case the Board shall at any time make any such agreement the owner or master of or agent for any vessel engaged in like manner, or any person interested in goods, merchandise, or cargo carried by any such vessel, shall be entitled, the circumstances being the same, to require the Board to enter into a like agreement or arrangement with him or them upon the same terms, to the

Power to make agreements as to town dues on cargoes of vessels trading coastwise.

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Expenses of Act.

**13.** The Board, out of any moneys for the time being in their hands, shall pay and discharge all costs, charges, and expenses incurred in applying for, obtaining, and passing this Act.



The SCHEDULE referred to in the foregoing Act.

A.D. 1874.

*Harbour Rates.*

	Rate per Ton.	
	s.	d.
Class 1. Between St. David's Head and Carlisle, including the Island of Anglesea - - - - -	0	0 $\frac{3}{4}$
Between Carlisle and the Mull of Galloway, including the Isle of Man - - - - -	0	1 $\frac{1}{4}$
Class 2. Between the Mull of Galloway and Duncan's Bay Head, including the Orkney Isles and all the islands on the western coast of Scotland and between St. David's Head and the Land's End, including the Scilly Islands and the east coast of Ireland from Cape Clear to Malling Head - - - - -	0	1 $\frac{1}{4}$
Class 3. All the parts of the east and southern coasts of Great Britain between Duncan's Bay Head and the Land's End, including the islands of Shetland, and all parts of the west coast of Ireland from Cape Clear to Malling Head, including the islands on that coast -	0	1 $\frac{1}{2}$
Class 4. All parts of Europe to the northward of Cape Finisterre and to the westward of the North Cape and without the Cattegat and Baltic Sea, and including the islands of Guernsey, Jersey, Alderney, Sark, the Faro Island, and Iceland - - - - -	0	3
Class 5. All parts within the Cattegat and Baltic, including the whole of Sweden, the White Sea, and all parts to the eastward of the North Cape, all parts in Europe to the southward of Cape Finisterre without the Mediterranean, Newfoundland, Greenland, Davis' Straits, Canaries, Western Islands, Madeira, and Azores - - - - -	0	3
Class 6. All parts on the east coast of North America, the West Indies, the east coast of South America to the northward of Rio La Plata inclusive, all parts of the west coast of Africa and islands to the northward of the Cape of Good Hope, and all parts within the Mediterranean, including the Adriatic, the Black Sea, and Archipelago, the islands of Saint Helena, Ascension, and the Cape de Verde Islands - - - - -	0	3
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Rate per Ton.  
s. ° d.

A.D. 1874.

Class 7. All parts in South America to the southward of the Rio La Plata, in the Pacific Ocean in Africa and Asia to the eastward of the Cape of Good Hope - - 0 4

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