



CHAPTER viii.

An Act to authorise the Mersey Docks and Harbour Board A.D. 1891.
to alter extend and improve their docks basins and works
at the northern end of their Liverpool Dock Estate and
for other purposes. [11th May 1891.]

WHEREAS by the Mersey Docks and Harbour Act 1857 (being an Act for consolidating the docks at Liverpool and Birkenhead into one estate and for vesting the control and management of them in one public trust and for other purposes) the Mersey Docks and Harbour Board (in this Act called "the Board") were incorporated for the purposes therein mentioned :

And whereas by the Mersey Dock (Liverpool Dock Extension) Act 1873 the Board were for the purpose of affording additional accommodation to the trade of the port of Liverpool authorised to construct amongst other works various docks and works in extension northwards of their then existing docks upon the Liverpool side of the River Mersey and to alter the entrance to their Canada Basin which formed the approach to such new docks and works from the river :

And by the Mersey Dock (Canada Entrances) Act 1876 the Board were authorised to construct certain piers or jetties for the purpose of improving the entrance to the Canada Basin and the approaches to the said new docks :

And whereas in order to meet the requirements of the trade of the port and having regard to the increased and increasing size of vessels frequenting the port it is expedient that the Board be authorised to alter deepen and improve some of their existing works and construct the other works in this Act mentioned in the northern portion of their Liverpool Dock Estate including new entrances from the River Mersey and to deepen the navigable waterway of the River Mersey at and near such new entrances :

And whereas the Board have from time to time for the purpose of raising the level of the water in certain of their docks locks and basins pumped water from the River Mersey and it is expedient that

A.D. 1891. — the construction and use by the Board of pumps and pumping apparatus and the taking of water from the River Mersey for that purpose be expressly authorised:

And whereas plans and sections of the works by this Act authorised showing the lines or situation and levels thereof and the lands on which the same are intended to be made and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county palatine of Lancaster and are in this Act referred to as the deposited plans sections and book of reference respectively:

And whereas the objects of this Act cannot be attained 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 as the Mersey Dock Act 1891.

Incorporation of Acts.

2. The Lands Clauses Acts (except the sections of the Lands Clauses Consolidation Act 1845 numbered 127. to 132 both inclusive) and so much of the Mersey Dock Acts Consolidation Act 1858 (in this Act called "the Act of 1858") as relates to the meanings to be assigned to certain words and expressions (being section 3 of that Act) except so far as those meanings may be inconsistent with this Act are respectively incorporated with and form part of this Act and in construing the Lands Clauses Acts the Board shall be deemed the promoters of the undertaking.

Power to make works.

3. Subject to the provisions of this Act the Board may make and maintain in the lines or situation and according to the levels shown on the deposited plans and sections the works hereinafter described with all necessary and proper shipping places piers wharves depôts warehouses sheds custom-houses roofs watch-houses staiths jetties stairs landing places stages quays gates entrances locks slips cranes hydraulic lifts dolphins buoys moorings mooring chains roads sewers drains culverts pumping stations and apparatus sluicing apparatus and other 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 book of reference as may be required for that purpose The works hereinbefore referred to and authorised by this Act are situate in the county palatine of Lancaster and on the bed and shore of the River Mersey and are—

(1) The deepening of that part of the Canada Basin which lies on the south side of an imaginary line drawn in a westwardly

direction to the entrance of that basin through the centre line of the northernmost lock between the said basin and the Brocklebank Dock ;

- (2) A pier or jetty with sluices commencing at or near the western corner of the southern quay adjoining the southern entrance from Canada Basin to Brocklebank Dock and terminating at or near the north-eastern corner of Canada Lock as proposed to be lengthened as hereinafter mentioned ;
- (3) The lengthening and deepening of Canada Lock (connecting Canada Basin with Canada Dock) ;
- (4) The removal of the existing passages between the Canada and Huskisson Docks and the construction of a new passage in substitution for and about six chains to the southward of the said existing passages ;
- (5) A new dock commencing at or near the north-eastern corner of Huskisson Dock as now existing and extending thence eastward for a distance of about seventeen chains ;
- (6) The lengthening and deepening of the eighty feet or Eastern Huskisson Lock (connecting Huskisson Dock with Sandon Basin) ;
- (7) A new half tide dock (upon the sites of Sandon Basin and Wellington Half Tide Dock) with three lock entrances thereto from the River Mersey upon the site of the western quay of Wellington Half Tide Dock as now existing and the adjoining shore of the River Mersey and the closing of the existing entrance to the Sandon Basin from the River Mersey ;
- (8) A new graving dock partly on the site of the forty-five feet or Western Huskisson Lock commencing at or near the northern end of that lock and extending thence about ten chains southward ;
- (9) The deepening of the navigable waterway on the eastern shore of the River Mersey between an imaginary line drawn westward from the centre of Clarence Graving Dock Basin for a distance of about fifteen chains and an imaginary line of the same length drawn east and west at a distance of about fifty chains northward from the first mentioned imaginary line.

4. In executing the works by this Act authorised the Board may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made

Lateral and
vertical
deviations.

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from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Board of Trade or otherwise in such manner as is expressly authorised by the Board of Trade.

For protection of Corporation of Liverpool.

5. In constructing within the city of Liverpool the works by this Act authorised the Board shall conform to and observe the following provisions regulations and restrictions and the same shall save so far as may at any time hereafter be otherwise agreed between the mayor aldermen and citizens of the city of Liverpool (in this section called "the Corporation") and the Board have effect within the said city (that is to say) :—

Whenever it may be necessary to interrupt or interfere with any existing sewer or drain the Board shall before interrupting or interfering therewith construct at their own expense according to a plan to be previously approved by the Corporation (by whom such approval shall not be unreasonably withheld) a sewer or drain in lieu of and of not less than equal capacity with the sewer or drain so proposed to be interrupted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Board with any existing sewers or drains which were connected with the sewer or drain so interrupted or interfered with ;

If by reason of the construction of the said works any additional sewers or drains or any increased length or alterations of existing sewers or drains or any manholes airholes or other works or conveniences connected therewith shall become necessary the same shall be constructed by and at the expense of the Board according to such plan and in such manner as shall be reasonably approved by the Corporation ;

The Corporation their officials and assistants shall at all reasonable times during the construction of the said works have full power to enter upon the dock estate to see that the provisions of this section are complied with ;

Whenever any of the water mains or pipes of the Corporation are severed or interfered with by the said works and whenever it is necessary for maintaining the supply of water to lay new or additional water mains or pipes such new or additional water mains or pipes shall previous to the severance or interference be laid by the Corporation at the expense of the Board.

6. For the purpose of supplying their existing and proposed docks locks basins and works with water the Board may from time to time take divert and impound water from the River Mersey.

Power to take water from the River Mersey.

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7. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Board any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

9. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board may after ten days' notice to the owners lessees and occupiers of the lands affected apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county palatine of Lancaster and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Board may take the lands in accordance with such certificate.

Errors and omissions in plans &c. to be corrected.

10. The Board shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

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Period for
completion
of works.Works to be
deemed
docks within
meaning of
Act of 1858.Confirmation
of construc-
tion of and
power to
construct
additional
pumps &c.Works to be
deemed
authorised
works within
the meaning
of the Acts
of 1858 and
1867.Further
borrowing
powers.Application
of moneys
borrowed
under this
Act.Plan of
works to be

11. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Board for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

12. For the purposes of rates and for all other purposes the works by this Act authorised and each and every of them shall be deemed to be docks within the meaning of the Act of 1858.

13. The construction and use by the Board of pumps and pumping apparatus for the purpose of supplying their docks locks basins and works with water and the abstraction by means of such pumps and pumping apparatus of water from the River Mersey for such purpose is hereby sanctioned and confirmed and the Board may from time to time construct and use additional pumps and pumping apparatus and by means thereof and of their existing pumps and pumping apparatus or either of them abstract water from the River Mersey for the purpose of supplying all or any of their docks locks basins or works with water.

14. The works by this Act authorised shall be deemed to be works authorised to be erected established and maintained by the Board within the meaning of section 284 of the Act of 1858 and shall also be deemed to be works for the improvement of the Mersey Dock Estate on the Liverpool side of the River Mersey within the meaning of section 5 of the Mersey Docks (Various Powers) Act 1867 and all moneys expended by the Board for or in connexion with the purchase of lands or for compensation for the injuriously affecting of lands or otherwise for the purposes of this Act shall be deemed to be part of the cost of the works by this Act authorised.

15. Subject to the provisions of this Act the Board may from time to time for the purposes of this Act and for enlarging and extending their existing warehouses and sheds and other accommodation in connexion with the works by this Act authorised borrow at interest on the security of the rates for the time being belonging to them (exclusive of any sum or sums of money required for the completion of the Birkenhead Docks and works and for the purposes specially provided for by the Mersey Docks and Harbour Act 1857) any further sum or sums not exceeding in the whole one million six hundred thousand pounds.

16. All moneys borrowed by the Board under the authority of this Act shall be applied by them for purposes of this Act to which capital is properly applicable and not otherwise.

17. Previously to commencing any work by this Act authorised below high-water mark of ordinary spring tides the Board shall

deposit at the Admiralty Office plans sections and working drawings of the said work for the approval of the Admiralty such approval to be signified in writing under the hand of the Secretary of the Admiralty and every such work shall be constructed only in accordance with such approval and when any such work shall have been commenced or constructed it shall not be lawful for the Board at any time to alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval and if any such work shall be commenced or completed or be altered extended or constructed contrary to the provisions of this Act it shall be lawful for the Admiralty to abate alter and remove the same and to restore the site thereof to its former condition at the cost and charge of the Board and the amount thereof shall be a debt due from the Board to the Crown and be recoverable accordingly with costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Board.

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submitted for
the approval
of the
Admiralty.

18. If any work to be constructed by the Board under the authority of this Act in under over through or across the River Mersey or any tidal water or if any portion of any such work which affects or may affect any such water or river or access thereto shall be abandoned or suffered to fall into disuse or decay it shall be lawful for the Admiralty to abate and remove the same or any such part or parts thereof as they may at any time or times deem fit and proper and to restore the site thereof to its former condition at the cost and charge of the Board and the amount thereof shall be a debt due from the Board to the Crown and if not paid upon demand may be recovered as a debt due to the Crown with the costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Board.

Works affect-
ing tidal
waters
abandoned
may be
removed by
Admiralty
at expense
of Board.

19. And whereas it is expedient that this Act should contain such provisions relative to lands hereditaments estates rights and interests belonging to the Queen's most Excellent Majesty in right of Her duchy of Lancaster (in the rest of this section called "the duchy") as are hereinafter contained Be it therefore enacted that—

Authorising
dealings with
property of
the duchy of
Lancaster.

(1) With respect to any lands belonging to Her Majesty in right of the duchy which may be required for the purposes of this Act the following provisions shall have effect (that is to say) The chancellor and council for the time being (hereinafter called "the chancellor and council") of the duchy may agree with the Board for the absolute sale in fee simple of all or any of the said last mentioned lands or any part thereof in consideration of any such gross sum of money or of such annual rentcharge or in consideration partly of such gross sum and

As to the
sale of lands.

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partly of such annual rentcharge payable by the Board and upon such terms and conditions in all respects as shall be settled between the chancellor and council and the Board and upon payment of such (if any) agreed gross sum and upon such (if any) agreed rentcharge being secured in manner hereinafter provided the chancellor and council may grant and assure the same lands and the fee simple and inheritance thereof to the Board their successors and assigns for the purposes of this Act ;

As to the application of purchase-moneys.

(2) With respect to any gross sum of money which under this section shall become payable in consideration of any sale enfranchisement or release thereby authorised the following provisions shall have effect (that is to say) :—

Each such sum shall be paid into the hands of the receiver-general of the revenues of the duchy or of his deputy or deputies and a receipt shall be given by him or them for the same ;

And such sum shall be applicable and dealt with to all intents and purposes as if it were the purchase-money of lands sold by the chancellor and council under the authority of the Duchy of Lancaster Lands Act 1855 And the chancellor and council shall for the purposes of this Act have and be entitled to the benefit of all such powers and provisions in reference to moneys invested in bank annuities under this present section as under the Duchy of Lancaster Lands Act 1855 they are entitled to concerning moneys invested in bank annuities under that Act ;

As to the annual rentcharges payable.

(3) With respect to any annual rentcharge which under this section shall become payable in consideration of any sale enfranchisement or release by this section authorised the following provisions shall have effect (that is to say) :—

Each such annual rentcharge shall be a perpetual rentcharge and shall be such charge on the tolls or rates payable under this Act and shall be recoverable in like manner as by the Lands Clauses Acts provided concerning the rentcharges thereby authorised to be granted and shall if the chancellor and council think fit be otherwise secured in such manner as may be settled between the chancellor and council and the Board ;

And the same shall be limited to the use of Her Majesty Her heirs and successors in right of the duchy and shall vest in Her and them in the same right as fully and effectually as the lands or hereditaments which shall be granted assured or released in consideration of the same annual rentcharge

stood vested in Her and them immediately before such grant and assurance thereof;

Provided that every such annual rentcharge shall be subject to the same application to all intents and purposes as the rents and profits of the said lands or hereditaments to be granted and assured in consideration thereof would be subject if the same lands or hereditaments had not been so granted and assured;

Provided also that notwithstanding anything contained in the Railway Companies Act 1867 no money borrowed by the said Board on mortgage or bond or debenture stock under the provisions of any Act authorising the borrowing thereof shall have priority over or affect any claim of Her Majesty Her heirs or successors against the Company their successors or assigns or against their property for the time being in respect of any such last mentioned rentcharge;

(4) Any lands hereditaments estate right or interest conveyed or assured or released by the chancellor and council by virtue of any of the foregoing provisions of this section shall be so conveyed assured or released in the name of Her Majesty Her heirs or successors in right of the duchy and by deed or writing under the seal of the duchy and every such deed or writing shall be enrolled in the court of the duchy of Lancaster within six calendar months from the date thereof.

20. If any land not required for the purposes of this Act shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed or by any other means cease to be subject to the flow and reflow of the ordinary tides or to be permanently covered with water (and that whether gradually or imperceptibly or otherwise) the Board shall not by virtue of the ownership of any lands which they are by virtue of this Act empowered to take or acquire have any estate right or interest in or to the land so raised in height or reclaimed or ceasing to be so subject or to be so covered as aforesaid by reason that such raising reclamation or cesser has been gradual or imperceptible or has been wholly or partially caused either by the works by this Act authorised or otherwise.

As to future accretions.

21. Nothing contained in this Act shall extend or operate to authorise the Board to take use enter upon or in any manner interfere with any land soil water or hereditaments or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and

Saving rights of the duchy of Lancaster.

A.D. 1891. — obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exercisable by Her Majesty Her heirs or successors in right of Her said duchy.

Saving rights
of the Crown
in the fore-
shore.

22. Nothing contained in this Act shall authorise the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary 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 exercisable by the Queen's Majesty Her heirs or successors.

Expenses of
Act.

23. The Board out of any moneys for the time being in their hands shall pay and discharge all the costs charges and expenses of and incident to the applying for obtaining and passing of this Act.

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