



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxliv.

An Act to alter and amend the several Acts relating to the *Birkenhead Commissioners Docks*, and to transfer the several Powers of the said Commissioners to a Corporate Body to be entitled "*The Trustees of the Birkenhead Docks*;" and for other Purposes. [14th August 1848.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for constructing Tidal Basins, a Dock, and other Works at Birkenhead in the County of Chester, and for other Purposes*, and is herein-after referred to as "*the First-recited Act*:" And whereas another Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the Construction of a Dock, Wharf Walls, and other Works by the Birkenhead Dock Commissioners at Birkenhead in the County of Chester*, and is herein-after referred to as "*the second-recited Act*:" And whereas Two several Acts were passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty Queen *Victoria*, intituled respectively *An Act to* [Local.] 22 G *authorize* 10 & 11 Vict. c. 264. 7 & 8 Vict. c. 79. 8 & 9 Vict. c. 4.

authorize the Birkenhead Dock-Commissioners to construct an additional Dock and other Works at Birkenhead in the County of Chester, and for other Purposes, and An Act to alter and amend the Acts relating to the Birkenhead Commissioners Docks, and to make further Provision with respect to the Construction of the Sea or Wharf Walls along Wallasey Pool, and for other Purposes, and which are herein-after referred to respectively as "the Third-recited Act," and "the Fourth-recited Act:" And whereas, under and by virtue of the said recited Acts, the several Persons who from Time to Time should be Commissioners for carrying into execution the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for paving, lighting, watching, cleansing, and otherwise improving the Township or Chapelry of Birkenhead in the County Palatine of Chester, and for regulating the Police thereof, and for establishing a Market within the said Township,* and of the several Acts passed for altering or amending the said Act, except as therein mentioned, were appointed Commissioners for carrying the said recited Acts into execution, under the Name or Title of "The Commissioners of the *Birkenhead Docks*:" And whereas, under and by virtue of the Powers and Provisions of the First and Second recited Acts, the said Commissioners have borrowed the Sum of Four hundred and twenty-three thousand Pounds, or thereabouts, from various Persons (herein-after called "Bondholders"), for the Purpose of constructing the Tidal Basins, Docks, and other Works authorized by the said last-mentioned Acts, but the Monies so raised have been found insufficient for the Completion of such Works, and the Commissioners have been unable to borrow any further Portion of the Sums of Money which they are by the said recited Acts, or any of them, authorized to raise: And whereas it is of great public Importance that the Sea Wall adjoining the River *Mersey*, and the great Tidal Basin, Walls, and Docks, and the several other Works by the First and Third recited Acts respectively authorized to be constructed, should be completed and brought into use for commercial and other Purposes without Delay: And whereas it is expedient that the Number of the Commissioners for carrying the said Acts into execution should be reduced, and that they should be incorporated for the Purposes and in the Manner herein-after provided; that the Qualification and Mode of Appointment of the Members of such Corporation should be remodelled in such a Manner that the Interests of the Inhabitants of the *Wallasey Side* of the said Pool, and also of the several "Bondholders" under the Provisions of the said recited Acts, should be more directly represented; and it is also expedient that some of the Provisions of the said recited Acts should be altered, amended, extended, or enlarged; but the Purposes aforesaid cannot be effected without the Aid and 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, That all the Provisions, Matters, and Things contained in the said recited Acts, so far as the same are now unrepealed and in force, and except such of them or such Parts thereof as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and the several Purposes and Things

10 & 11 Vict.
c. 265.

3 & 4 W. 4.
c. 68.

Certain
Provisions of
recited Acts
extended to
this Act.

Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

II. And be it enacted, That from and after the passing of this Act so much of the said recited Acts or any of them as relates to the Qualification and Appointment of the Commissioners for carrying the said recited Acts into execution, and to the Choice of a Chairman of the said Commissioners, shall be and the same is hereby repealed, and immediately therefore all the Powers, Duties, and Authorities of the Commissioners appointed under or by virtue of the said recited Acts shall cease and determine, and the said last-mentioned Commissioners shall no longer hold the said Office or interfere in the Execution of the said recited Acts or any of them, except as herein-after provided.

Certain Provisions of recited Acts as to Qualifications and Appointment of Commissioners, &c. repealed.

III. And be it enacted, That in lieu of the said last-mentioned Commissioners Sir *Isaac Lyon Goldsmid* Baronet, *Joseph Bailey* the younger, *Robert Garnett*, *William Ellice*, *George Henry Barnett*, and *William King*, Esquires, (respectively Bondholders under the Provisions of the said recited Acts or some of them, and who have been nominated and appointed by and on the Behalf of the Bondholders,) *John Laird*, *William Cole*, *William Pike*, and *Richard Williams Prichard*, Esquires, (Persons nominated and appointed by and on the Behalf of the Commissioners for the Improvement of *Birkenhead*, *Claughton-cum-Grange*, and Part of *Oxton*, in the County of *Chester*,) and *Henry Winch*, *Joseph Christopher Ewart*, and *John Mawdsley*, Esquires, (Persons nominated and appointed by and on behalf of the Commissioners for the Improvement of the Parish of *Wallasey* in the County of *Chester*,) and their Successors to be respectively nominated and appointed as herein-after provided, shall for the Purposes of the said recited Acts and this Act be incorporated by the Name of "The Trustees of the *Birkenhead Docks*," and by that Name shall be a Body Corporate, and have a Common Seal, with perpetual Succession, and shall have Power to purchase and hold and sell and dispose of Lands, within the Restrictions in the said recited Acts and this Act contained for the Purposes thereof.

Appointment and Incorporation of "The Trustees of the Birkenhead Docks," in lieu of the Commissioners.

IV. And be it enacted, That the said "Trustees of the *Birkenhead Docks*," and their Successors shall from and after the passing of this Act have, exercise, perform, and enjoy all such and the same Rights, Duties, Powers, Authorities, Privileges, and Immunities whatsoever, for carrying into execution the several Purposes and Provisions of the said recited Acts and this Act, as are in and by the said recited Acts or any of them conferred upon or vested in the Commissioners appointed under or by virtue of the same Acts; and all the Provisions, Clauses, and Enactments in the said recited Acts or any of them contained with reference to the Commissioners for carrying the same Acts into execution shall (except in so far as the same Provisions and Enactments or any of them are now or may be by this Act repealed or altered) extend and apply to the Trustees of the *Birkenhead Docks* hereby appointed, and their Successors, as fully and effectually to all Intents and Purposes whatsoever as if the said

Powers of Commissioners contained in recited Acts vested in Trustees.

said Trustees of the *Birkenhead Docks* had been specially named or referred to in the said recited Acts, instead of the Commissioners appointed by virtue of the said Acts for carrying the same into execution.

First Trustees to remain in Office for Three Years.

V. And be it enacted, That the several Trustees of the *Birkenhead Docks* herein-before named, and their Successors, shall, except in case of the Death, Resignation, Removal, or Incapacity to act of any One or more of them, remain in Office until other Trustees shall have been appointed in their Place in manner herein-after mentioned.

Providing for Retirement of Trustees.

VI. And be it enacted, That on the Third *Wednesday* in the Month of *August* in the Year One thousand eight hundred and fifty-one, and on the Third *Wednesday* in the Month of *August* in every subsequent Year, the said last-mentioned Trustees, and the Persons for the Time being acting in the Place or Stead of them, or any of them, under the Provisions herein-after contained, shall retire from Office, nevertheless every Trustee so retiring from Office may be re-elected immediately or at any future Time.

Members of the Body of Trustees not to accept Office under the Trustees, or be concerned in Contracts with them.

VII. And be it enacted, That no Member of the Trustees hereby appointed or to be appointed under the Provisions of this Act shall be capable of accepting any Office or Place of Trust or Profit under the said Trustees, nor of being interested in any Contract with such Trustees during such Time as he shall be such Trustee; and if any Trustee at any Time subsequently to his Nomination accept or continue to hold any other Office or Place of Trust or Profit under the said Trustees, or be either directly or indirectly concerned in any Contract with such Trustees, or participate in any Manner in the Profits of any Work to be done for such Trustees, then, in any of the Cases aforesaid, the Office of such Trustee shall become vacant, and he shall cease from voting or acting as a Trustee; and any Contract which may be entered into between the said Trustees and such Member of their Body as aforesaid shall be absolutely void: Provided nevertheless, that any Mortgagee or Assignee of a Mortgage Bond or other Security, or any Lenders of Money upon any of the Tolls, Rates, or Duties, or other Property for the Time being vested in the said Trustees, or any Person receiving Interest thereon for the same respectively, shall not on that account be deemed disqualified.

Power for Bondholders to elect new Trustees in place of Trustees representing Bondholders.

VIII. And be it enacted, That in every Case of a Vacancy by the Death, Retirement, Resignation, or Incapacity to act of any of them the said *Sir Isaac Lyon Goldsmid, Joseph Bailey, Robert Garnett, William Ellice, George Henry Barnett, and William King*, and of any Person who may from Time to Time be appointed a Trustee in the Place or Stead of any of them, or of any of their Successors, it shall be lawful for the Bondholders, and they are hereby required, in manner herein-after mentioned, to nominate and appoint some fit Person, being a Bondholder, to supply such Vacancy, and every Person so nominated and appointed shall have, exercise, and enjoy such or the same Rights, Privileges, Powers, and Authorities for the Execution of the said recited Acts and this Act as the Trustee in whose Room he shall be so nominated and appointed.

IX. And

IX. And be it enacted, That in every Case of a Vacancy as hereinbefore mentioned it shall be lawful for such of them the said Sir *Isaac Lyon Goldsmid, Joseph Bailey, Robert Garnett, William Ellice, George Henry Barnett, and William King* as may then be surviving or continuing Trustees, and for any Persons for the Time being acting as Trustees in the Place or Stead of any of them, or any One or more of such Trustees, and they are hereby respectively required, to convene a Meeting of the Bondholders to be held within Two Calendar Months next after the Occurrence of every such Vacancy, and at such Meeting, or at some Adjournment thereof, the Bondholder for whom the Majority of the Votes of the Bondholders then present personally or by Proxy shall be given shall be the Trustee to supply such Vacancy.

Surviving or continuing Trustees representing Bondholders to convene Meeting of Bondholders to fill up Vacancies.

X. And be it enacted, That each of them the said Sir *Isaac Lyon Goldsmid, Joseph Bailey, Robert Garnett, William Ellice, George Henry Barnett, and William King*, and every other Person who shall from Time to Time be nominated and appointed a Trustee in the Place or Stead of any of them, shall be and shall continue to be, so long as he shall act as a Trustee, a Bondholder, within the Meaning of this Act, to the Extent of One thousand Pounds at the least, or otherwise shall cease to be a Trustee for the Purposes of this Act.

Trustees representing Bondholders to be themselves Bondholders.

XI. And be it enacted, That Fourteen Days public Notice at the least of every Meeting of the Bondholders for the Election of a Trustee by them under and by virtue of this Act shall be given by Advertisement and by Circular in manner following; that is to say, by Advertisement in One or more Newspaper or Newspapers published in the County of *Middlesex*, at least Six Days in the Week, which Advertisement shall specify the Place, the Day, and the Hour of such Meeting, and the Object thereof, and such Advertisement shall be inserted by the Clerk for the Time being to the Trustees of the *Birkenhead Docks*, and by Circular addressed by the said Clerk to each Bondholder according to the Address of such Bondholder in the Register of Mortgages or Assignments.

Notice of Meeting of Bondholders.

XII. And be it enacted, That at every such Meeting of the Bondholders for the Election of a Trustee under this Act one or other of them the said Sir *Isaac Lyon Goldsmid, Joseph Bailey, Robert Garnett, William Ellice, George Henry Barnett, and William King*, or one or other of the Persons for the Time being acting as Trustees in the Place or Stead of any of them, shall be Chairman, and in the Absence of such Chairman then One of the Bondholders, to be chosen at such Meeting shall be Chairman, and in case of an Equality of Votes the Chairman shall have an additional or casting Vote.

Chairman of Bondholders Meetings.

XIII. And be it enacted, That at every such Meeting of the Bondholders for the Election of a Trustee under this Act every Bondholder shall be entitled to vote according to the following Scale; that is to say, he shall have One Vote for every One hundred Pounds then due to him up to One thousand Pounds, and an additional Vote for every Five hundred Pounds beyond the first One thousand

Scale of Voting at Bondholders Meeting.

Pounds then due to him up to Ten thousand Pounds, and an additional Vote for every One thousand Pounds then due to him beyond Ten thousand Pounds: Provided always, that in case of joint Interests One only of the Persons so jointly interested shall be entitled to vote, and the Person whose Name shall stand first in the Register of Mortgages or Assignments shall be entitled to vote, in Person or by Proxy, without Proof of the Concurrence of the other Holders of such Bond, Mortgage, or other Security.

Bondholders to hold Meetings for Election of Trustees in the Places of those retiring.

XIV. And be it enacted, That for the Purpose of electing Trustees to supply the Places of the Trustees representing the Bondholders, and retiring on the Third *Wednesday* in the Month of *August* One thousand eight hundred and fifty-one, and thenceforth annually under the Provisions herein-before contained, the Bondholders shall hold a Meeting on the Third *Wednesday* in the Month of *August* One thousand eight hundred and fifty-one, and on the Third *Wednesday* in the Month of *August* in every subsequent Year, between the Hours of Ten o'Clock in the Forenoon and Five o'Clock in the Afternoon, at some convenient Place to be appointed by the Trustees; and at such Meeting the Bondholders shall elect Six Persons (of whom not more than Two shall be Directors either of the *Birkenhead Dock Company* or of the *Birkenhead, Lancashire, and Cheshire Junction Railway Company*) to be Trustees in the Places of the Trustees so retiring, and such Meeting shall be convened, constituted, and conducted in the Mode herein-before prescribed in case of the Death, Retirement, Resignation, or Incapacity to act of any Trustee representing the Bondholders.

In other respects Proceedings of Bondholders to be regulated by Provisions of 8 & 9 Vict. c. 16.

XV. And be it enacted, That as regards all such Meetings the Proceedings of the Bondholders thereat, unless otherwise provided for by this Act, shall be regulated by the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the General Meetings of a Company, such Provisions being read as if the Word "Bondholders" were substituted therein for the Word "Shareholders," and "Trustees of the *Birkenhead Docks*" for the Word "Directors," and "Clerk to the Trustees" for the Words "Secretary of the Company."

Interpretation of the Word "Bondholder."

XVI. And be it enacted, That the Word "Bondholder" shall mean and include every Person who shall hold or be entitled to, in his own Right or in Right of his late or present Wife, any Mortgage, Bond, or other Security, under Seal, granted or to be granted by the Commissioners acting in the Execution of the said recited Acts, or the Trustees of the *Birkenhead Docks*, under the Provisions of the said Acts and this Act, or any of them, either by original Grant from such Commissioners or Trustees, or as the Assignee or Transferee of any such Mortgage, Bond, or other Security; provided that such Mortgage, Bond, or other Security, or the Assignment or Transfer thereof respectively, (as the Case may be,) shall have been duly registered under the Provisions of the said recited Acts.

Improvement Commissioners of

XVII. And be it enacted, That in every Case of a Vacancy by the Death, Retirement, Resignation, or Incapacity to act of any of

of them the said *John Laird, William Cole, William Pike, and Richard Williams Prichard*, and of any Person who may from Time to Time be appointed a Trustee in the Place or Stead of any of them or of any of their Successors, it shall be lawful for the Commissioners for the Improvement of *Birkenhead, Cloughton-cum-Grange*, and Part of *Oxton*, at any Meeting duly convened, constituted, and conducted, in accordance with the Rules and Regulations of the said Commissioners, to nominate and appoint a Person out of their own Body to be a Trustee in the Place or Stead of the Trustee so dying, retiring, resigning, or being incapable of acting.

Birkenhead
to fill up
casual Va-
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amongst
Trustees.

XVIII. And be it enacted, That for the Purpose of electing Trustees to supply the Places of the Trustees representing the Commissioners for the Improvement of *Birkenhead, Cloughton-cum-Grange*, and Part of *Oxton*, and retiring on the Third *Wednesday* in the Month of *August* One thousand eight hundred and fifty-one, and thenceforth annually under the Provisions herein-before contained, the said Commissioners shall hold a Meeting on the Third *Wednesday* in the Month of *August* One thousand eight hundred and fifty-one, and on the Third *Wednesday* in the Month of *August* in every subsequent Year; and at such Meeting, to be duly convened, constituted, and conducted, in accordance with the Rules and Regulations of the said Commissioners, the said Commissioners shall elect out of their own Body Four Persons, of whom not more than One shall be a Director either of the *Birkenhead Dock Company* or of the *Birkenhead, Lancashire, and Cheshire Junction Railway Company*, to be Trustees in the Places of the Trustees so retiring,

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XIX. And be it enacted, That in every Case of a Vacancy by the Death, Retirement, Resignation, or Incapacity to act of any of them the said *Henry Winch, Joseph Christopher Ewart, and John Mawdsley*, and of any Person who may from Time to Time be appointed a Trustee in the Place or Stead of any of them or of any of their Successors, it shall be lawful for the Commissioners for the Improvement of the Parish of *Wallasey*, at any Meeting duly convened, constituted, and conducted, in accordance with the Rules and Regulations of the said Commissioners, to nominate and appoint a Person out of their own Body to be a Trustee in the Place or Stead of the Trustee so dying, retiring, resigning, or being incapable of acting.

Improve-
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missioners of
Wallasey to
fill up casual
Vacancies
amongst
Trustees.

XX. And be it enacted, That for the Purpose of electing Trustees to supply the Places of the Trustees representing the Commissioners for the Improvement of the Parish of *Wallasey* and retiring on the Third *Wednesday* in the Month of *August* One thousand eight hundred and fifty-one, and thenceforth annually under the Provisions herein-before contained, the said Commissioners shall hold a Meeting on the Third *Wednesday* in the Month of *August* One thousand eight hundred and fifty-one, and on the Third *Wednesday* in the Month of *August* in every subsequent Year, and at such Meeting, to be duly convened, constituted, and conducted in accordance with the Rules and Regulations of the said Commissioners, the said Commissioners shall elect out of their own Body Three Persons (of whom not more than One shall be a Director either of the *Birkenhead Dock Company* or of the *Birkenhead, Lancashire, and Cheshire Junction*

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Wallasey to
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Junction Railway Company,) to be Trustees in the Places of the Trustees so retiring.

If Bondholders or the Commissioners of Birkenhead or Wallasey do not fill up Vacancies, Trustees may do so.

XXI. Provided always, and be it enacted, That if the said Bondholders or the said Commissioners for the Improvement of *Birkenhead, Cloughton-cum-Grange*, and Part of *Oxton*, or the said Commissioners for the Improvement of the Parish of *Wallasey* respectively, shall not within the Time and in the Manner herein-before in that Behalf respectively provided proceed to the Election of a proper Person to supply any Vacancy in the Office of a Trustee, which they are hereby respectively empowered and required to supply in manner herein-before mentioned, then and in any such Case, and so often as the same shall happen, it shall be lawful for the surviving or continuing Trustees, at some Meeting duly convened, constituted, and conducted, to nominate and appoint a fit Person to supply any such Vacancy as aforesaid, and every Person nominated and appointed by virtue of this or the foregoing Provisions shall have, exercise, perform, and enjoy all such or the same Rights, Duties, Powers, and Authorities for the Execution of the said recited Acts and this Act as the Trustee in whose Room such Person shall be nominated and appointed: Provided also, that no Vacancy or Vacancies in the Number of the Trustees of the *Birkenhead* Docks shall in anywise prejudice or affect any of their Rights, Powers, or Authorities.

Expenses of Elections to be paid by Trustees.

XXII. And be it enacted, That all the Expenses of summoning and holding any Meeting for the Election of a Trustee under the Provisions of this Act shall be paid by the said Trustees out of the Monies which shall come to their Hands by virtue of this and the recited Acts.

Not more than Four Persons who are Directors of the Birkenhead Dock Company, or of the Birkenhead, &c. Railway Company, to be at the same Time Trustees of the Birkenhead Docks.

XXIII. And be it enacted, That it shall not be lawful for more than Four Persons who shall be Directors either of the *Birkenhead* Dock Company or of the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company to be at one and the same Time Trustees of the *Birkenhead* Docks; and if at any Election or Nomination of a Person to supply a Vacancy in the Office of Trustee any Director of the Companies above mentioned, or either of them, shall be elected or nominated to supply such Vacancy, the Election or Nomination of such Director shall be void, unless the retiring, deceased, or incapacitated Trustee in whose Room such Director shall be elected or nominated was himself a Director of the said Companies, or one of them, at the Time of his Retirement, Decease, or becoming incapable to act as a Trustee, or unless there shall then be fewer than Four of such Trustees who are Directors of the said Companies, or either of them.

If Trustee after his Election become Director of either of said Companies, he shall cease to be a Trustee.

XXIV. Provided also, and be it enacted, That if any Trustee appointed by this Act, or elected or nominated at any future Time under the Provisions of this Act, not being at the Time of his Appointment, Election, or Nomination a Director of the said Companies, or either of them, shall after his Appointment, Election, or Nomination become such Director, and there shall then be Four other Trustees who are Directors of the said Companies, or either of them, the Person so becoming such Director after his Appoint-

ment, Election, or Nomination to be a Trustee of the *Birkenhead* Docks shall thereupon be disqualified and cease to be a Trustee of the said Docks; and it shall not be lawful to elect or nominate any Director of the said Companies, or either of them, to be a Trustee of the said Docks in the Room of the Trustee so disqualified as last aforesaid.

XXV. And be it enacted, That the Trustees of the *Birkenhead* Docks shall hold their First Meeting at their Offices in *Birkenhead*, on the Second *Wednesday* after the passing of this Act, between the Hours of Ten o'Clock in the Forenoon and Five o'Clock in the Afternoon, and in case from any Circumstance they shall be prevented from holding such Meeting at the Place and Time aforesaid, then at such other Place in *Birkenhead* and at such other Time as may be appointed by the said Trustees, whereof due Notice shall be given by Advertisement in some Newspaper published in the County of *Chester*, and shall proceed to put this Act into execution, and the said Trustees shall hold Meetings at such other Times as they may appoint for the Purpose, and they may meet and adjourn from Time to Time and from Place to Place in *Birkenhead* or *London*, so that they shall hold Meetings at least in Eight of every Twelve Months in *Birkenhead*, and not more than Four of such monthly Meetings in *London*; and they shall hold an annual Meeting in *Birkenhead* on the Fourth *Wednesday* in the Month of *August* in every Year, and the First annual Meeting shall be held at *Birkenhead* on the Fourth *Wednesday* in the Month of *August* One thousand eight hundred and forty-nine, and at any Time any Two of the said Trustees may require their Clerk to call a Special Meeting of the said Trustees, to be held at *Birkenhead* or elsewhere, of which Seven Days Notice shall be given to each Trustee, which Notice shall be in Writing, and shall specify the Time and Place of Meeting and the Object thereof, and such Notice shall be delivered or sent by Post to the usual Place of Abode or Place of Business of such Trustee, and no Business shall be transacted at any Special Meeting, except such as shall be stated in the Notice thereof, and in order to constitute a Meeting of Trustees for the Purposes of this Act there shall be present in person at least Three Members of their Body; and all Questions at every such Meeting as aforesaid shall be determined by the Majority of Votes of the Trustees present, including Proxies, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Votes as a Principal and Proxy.

First and other Meetings of the Trustees.

XXVI. And be it enacted, That the Votes at any Annual, Special, or Ordinary Meeting of the said Trustees may be given either personally or by Proxies, being Trustees, authorized by Writing under the Hand of the Trustee nominating such Proxy, and no Trustee shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy shall have been delivered to the Clerk of the said Trustees if present at such Meeting, or if the Clerk be not present then the Instrument appointing such Proxy shall be produced for the Inspection of the Trustees present at such Meeting, and shall be delivered to the Chairman thereof.

Trustees may vote by Proxy.

[Local.]

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XXVII. And

Proxy to be available only for One Meeting, or Adjournment thereof.

XXVII. And be it enacted, That any Instrument made for the Purpose of appointing a Proxy shall authorize such Proxy to vote upon any Matter at One Meeting of the Trustees, the Time of holding whereof shall be specified in such Instrument, or at any Adjournment of such Meeting, but shall not be further or otherwise available.

Trustees to be allowed travelling Expenses.

XXVIII. And be it enacted, That each Trustee shall be allowed and paid out of the Monies which shall come into the Hands of the said Trustees by virtue of this Act the reasonable travelling Expenses incurred by him in going to, attending at, and returning from any Annual, Special, or Ordinary Meeting of the Trustees.

Appointment of Chairman of the Trustees.

XXIX. And be it enacted, That at the First Meeting of the Trustees held after the passing of this Act, and at the First Meeting of the Trustees held after the Third *Wednesday* in the Month of *August* in every Year, the Trustees present at such Meeting in person or by Proxy shall choose One of the Trustees to act as Chairman of the Trustees for the Year following such Choice, and shall also choose another Trustee to act as Deputy Chairman for the same Period; and the Chairman or Deputy Chairman, one or other of them, shall reside in *Birkenhead*, *Wallasey*, or *Liverpool*; and if neither the Chairman or Deputy Chairman be so resident, the Trustees shall determine which of them shall be disqualified to act as such Chairman or Deputy Chairman, as the Case may be; and if the Chairman or Deputy Chairman die or resign or cease to be a Trustee, or otherwise become disqualified to act, the Trustees present in person or by Proxy at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Trustees to fill such Vacancy, and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened; and if at any Meeting of the Trustees neither the Chairman or Deputy Chairman be present the Trustees present shall choose some one of their Number to be Chairman of such Meeting.

Appointment of Committees.

XXX. And be it enacted, That it shall be lawful for the said Trustees to appoint One or more Committee or Committees, consisting of such Number of Trustees as they may think fit; and the said Trustees may grant to such Committees respectively Power on Behalf of the said Trustees to do any Acts relating to the Affairs of the Trustees which such Trustees could lawfully do, and which they shall from Time to Time think proper to intrust to such Committees.

Meetings of Committees.

XXXI. And be it enacted, That the said Committees may meet from Time to Time and may adjourn from Place to Place in *Birkenhead*, as they think proper, for carrying into effect the Purposes of their Appointment; provided nevertheless, that Committees appointed for temporary Purposes may meet in *Birkenhead* or elsewhere, and no such Committee shall exercise the Powers entrusted to them except

except at a Meeting at which there shall be present the Quorum (if any) fixed for that Purpose by the said Trustees; and at all Meetings of the Committees one of the Members present shall act as Chairman of such Committee, and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Vote as a Member of the Committee.

XXXII. And be it enacted, That the several Tidal Basins, Docks, Walls, Quays, and other Works which under and by virtue of the said recited Acts were vested in the Commissioners for carrying those Acts into execution, and all Lands, Houses, Roads, Quarries, and other Hereditaments, Properties, Rights, and Privileges whatsoever vested in such Commissioners, shall, from and after the passing of this Act, be and become the Property of and shall remain vested in the Trustees hereby appointed and their Successors, for the like Term, Estate, and Interest therein as was vested in the Commissioners, and subject to all such Provisions as are contained in the herein-before recited Acts or any of them for revesting the same in the Crown, in case the Works by the said Acts respectively authorized to be executed be not completely finished within the Term by the same Acts respectively limited, or for any other Purposes whatsoever; and all Debts, Monies, and Securities for Money, Rights, and Obligations, and all the Plant, Materials, Tools, and other Things which at the Time of the passing of this Act shall belong to the Commissioners aforesaid, shall henceforth belong to and shall be and become the Property of the said Trustees and their Successors.

Property of the Commissioners vested in the Trustees under this Act.

XXXIII. And be it enacted, That all Sums of Money which shall at the Time of the passing of this Act be due and owing by the Commissioners aforesaid, under or by virtue of the Provisions of the said recited Acts or any of them, and all Interest due and to grow due thereon respectively, shall be paid and discharged by the Trustees hereby appointed and their Successors as fully and effectually to all Intents and Purposes as if such Monies had become due and owing from the said Trustees; and every Person and Body Corporate who shall at the Time of the passing of this Act owe or may become subject or liable to the Payment of any Sum of Money to the said Commissioners, or to any Person for the Benefit of the said Commissioners, shall be liable to the Payment of every such Sum of Money to the Trustees hereby appointed and their Successors; and all Leases, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities made or entered into by any Person to or with the said Commissioners, or their Clerk, Treasurer, or other Officer, under or by virtue of the Provisions of any of the said recited Acts, shall remain in full Force and Effect, and shall continue available in all Courts of Law and Equity until the same are fully satisfied and performed on account of and for the Benefit of the said Trustees and their Successors, and shall be vested in the said Trustees, and shall and may be enforced and recovered upon in any Action or Suit to be brought and carried on by and in the Name of the said Trustees and their Successors; and all Leases, Deeds, Assignments, Securities, Contracts, Liabilities,

All Engagements of Commissioners under recited Acts to be fulfilled and enforced by Trustees.

or

or Agreements duly made or entered into or incurred by or on the Behalf of the said Commissioners shall remain in full Force and Effect, and be observed and kept by the said Trustees and their Successors according to the Terms and Stipulations thereof respectively, and shall and may be enforced and recovered upon in any Action or Suit to be brought against the said Trustees.

Agreements between the Commissioners and the Seacombe Mill Company to be performed by the Trustees.

XXXIV. And whereas an Agreement, bearing Date the Sixth Day of *June* One thousand eight hundred and forty-six, was made or expressed to be made between the Persons trading under the Firm of "The *Seacombe* Mill Company" of the First Part, *Joseph Mallaby* of the Second Part, and certain of the said Commissioners of the Third Part; and an Agreement, bearing Date the First Day of *June* One thousand eight hundred and forty-eight, was made or expressed to be made between the said *Seacombe* Mill Company of the one Part, and certain of the said Commissioners of the other Part: And whereas it hath been agreed that the said Agreements, so far as they are binding on the Commissioners, Parties thereto, shall be performed by the Trustees for the Execution of this Act: Be it therefore enacted, That the several Stipulations and Provisions which according to the Terms of the said Agreements respectively are to be performed and carried into execution by the said Commissioners, Parties thereto, shall be performed and carried into execution by the Trustees for the Time being acting under the Authority of this Act; and also that all such or the like Stipulations and Provisions as according to the Terms of the aforesaid Agreements, or either of them, are to be performed and carried into execution by the said Commissioners in reference to or in consequence of the Works which by the herein-before recited Acts, or either of them, are authorized to be executed by the said Commissioners, shall be performed and carried into execution by the said Trustees, if rendered necessary in consequence of the Works by this Act authorized to be executed, in the same Manner and to the same Extent as if the said Agreements respectively had been executed after the passing of this Act, and referred to the Works hereby authorized to be executed as well as to the Works authorized to be executed by the herein-before recited Acts or either of them; and that the several Commissioners, Parties to the said Agreements respectively, shall not, nor shall any or either of them, be personally liable in respect of the Breach or Nonperformance after the passing of this Act of any of the Stipulations or Provisions contained in the said Agreements, or either of them.

Officers to account to Trustees under this Act.

XXXV. And be it enacted, That the several Officers of the Commissioners for the Execution of the said recited Acts shall account to the said Trustees and their Successors in the same Manner as they would have done if they had been appointed by such Trustees.

Trustees may grant preferential Mortgages to the Extent of 50,000*l.*

XXXVI. And whereas under and by virtue of the Provisions of the First and Second recited Acts the said Commissioners of the *Birkenhead* Docks were authorized and empowered to borrow the Sum of One million Pounds upon the Security of the Rates, Tolls, and Property thereby vested in them, but they have been unable to borrow

borrow more than the Sum of Four hundred and twenty-three thousand Pounds or thereabouts, Part of the said Sum of One million Pounds: And whereas it would facilitate the Prosecution of the Works authorized by the recited Acts if the Trustees were authorized and empowered to grant preferential Mortgages to an Amount not exceeding Fifty thousand Pounds, further Part of the said Sum of One million Pounds: Be it therefore enacted, That it shall be lawful for the said Trustees, with the Consent of a Meeting of the Bondholders convened, constituted, and conducted in the Manner herein provided in the Case of a Meeting for the Election of a Trustee, except as herein-after provided, to grant to any Person or Persons, Corporation or Corporations respectively, who shall be willing to advance and lend to the said Trustees any Sum or Sums of Money, not exceeding in the whole the Sum of Fifty thousand Pounds, further Part of the said Sum of One million Pounds, One or more Mortgages, in the Form or to the Effect in the First and Second recited Acts mentioned or set forth, for securing the Repayment of the Monies so advanced and lent by such Person or Persons, Corporation or Corporations respectively, with Interest for the same, which Mortgages so to be granted by the said Trustees shall, to the Amount of Fifty thousand Pounds in the whole, have Priority and Preference, as regards Payment of Principal and Interest, and in all other respects, over all other Mortgages, Bonds, or other Charges now granted by the said Commissioners, or hereafter to be granted by the Trustees for the Execution of this Act under or by virtue of the said recited Acts or any of them: Provided always, that One Month's Notice at the least shall be given to the Bondholders of any such Meeting.

XXXVII. And be it enacted, That if the said Trustees shall pay off any such Mortgages, it shall be lawful for the said Trustees from Time to Time to grant, in lieu of the Mortgages so paid off, other Mortgages, which shall have the same Priority and Preference as the Mortgages so paid off.

Trustees may grant Mortgages in lieu of those paid off.

XXXVIII. And be it enacted, That the said Trustees shall pay and apply the said Sum of Fifty thousand Pounds, or so much thereof as shall be lent and advanced to them under the Provisions herein-before contained, in carrying out and completing the Works herein-after described; that is to say, in building in the Lines defined by the secondly recited Act, or by the Plan therein referred to, the Wharf Walls called the *Public Quay* at the End of *Cathcart Street*, and the Wall of the public Wharf on the Line of *Vittoria Street*, and in the Construction of a temporary Dam from the West End of the Passage between the *Egerton Dock* and the *Great Float* to or near the *Neff Point*, and in the making of the open Drain from the Culvert at *Wallasey Road* across the *Bidston Marshes* to *Ford Brook*, and in the Completion of the Passage through the *Woodside Basin* to the *Morpeth Dock*, and in the Completion of the *Morpeth* and *Egerton Docks*, and the Passages connected therewith, so far as is required to give Access to the *Great Float* at all Tides, and in deepening a Portion of the Interior or Water Area of the *Great Float*, within the Lines of Wharf Walls on each Side of *Wallasey Pool*, defined on the Plan referred to in the Second-recited Act, commencing at the temporary Dam; and if there shall be any Surplus of such Monies after

The 50,000*l.* raised by preferential Mortgages to be applied in carrying out certain Works.

the Execution of the said Works, the same shall be applied by the said Trustees in and towards the general Objects and Purposes of the Trust.

Nothing herein to affect 10 & 11 Vict. c. 264. s. 60., or Rights, &c. of Owners of Land adjoining Sea Walls, &c.

XXXIX. Provided always, and be it enacted, That nothing herein contained shall be construed to repeal, remove, or relax the Restriction contained in the Sixtieth Section of the Third-recited Act, whereby it is enacted, that the Powers of the said Act intended to be conferred on the Commissioners of constructing the new Docks and other Works therein mentioned, and the Permission therein contained for Vessels of greater Burden than Two hundred Tons to resort to and use the *Coaster's Basin* at *Woodside* for the Purpose of passing into and out of *Wallasey Pool* and the Docks communicating therewith for the Term therein mentioned, shall not come into operation or take effect until certain Monies therein mentioned or referred to have been replaced and made available for the Objects for which the same were originally raised, or until such good and sufficient Security as therein mentioned has been given to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Repayment and Application of all such Monies at the Times and in the Manner therein mentioned or referred to: Provided always, that nothing herein contained shall affect or be construed to affect in any Manner the Rights or Liabilities of the Owner or Owners of any Land adjoining to the said Sea or Wharf Walls, either as to the Purchase or Payment in the Manner provided by the herein-before recited Acts, or any or either of them, of or for so much of the said Walls as shall front or be constructed along the Land belonging to such Owner or Owners.

Plans, &c. of the Works to be deposited at the Admiralty.

XL. And be it enacted, That previously to the Commencement of the Works hereby authorized there shall be deposited at the Admiralty Office, *Whitehall*, Plans and Working Drawings of all such Works, for the Approval of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral; and such Works shall be only constructed in accordance with such Approval, to be signified in Writing under the Hand of the Secretary to the Admiralty.

Admiralty may order local Survey at Expense of Trustees.

XLI. And be it enacted, That if after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Trustees shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Trustees, 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 Trustees.

In case Works across Tidal Water or navigable River aban-

XLII. And be it enacted, That if any Work to be constructed by the Trustees in or across any Tidal Water or navigable River, or if any Portion of the Work which affects any such Water or River or Access thereto shall be abandoned or suffered to fall into Disuse or Decay

Decay by the Trustees, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Costs and Charge of the Trustees, and the Amount thereof shall be a Debt due from the Trustees to the Crown, and be recoverable accordingly, with Costs of Suit.

done Ad-
miralty may
remove the
same, and
charge the
Expense to
Trustees.

XLIII. And be it enacted, That for the better Security of Vessels lying in the *Great Float*, and to prevent their grounding therein, it shall not be lawful for the said Trustees after the Completion of the permanent Embankment across *Wallasey Pool* from or near a Place called *Bridge End* in the Township of *Birkenhead* to the opposite Shore of the said Pool near the Smelt Works, now occupied by Messieurs *Mawdsley* and *Smith*, in the Township of *Poulton-cum-Seacombe*, in the First-recited Act mentioned, to run off or reduce the Water to be impounded between *Warringtons Bridge* and the said intended Embankment to a lower Level than Thirteen Feet above the *Old Dock Sill* at *Liverpool*, except for the Purpose of making necessary Repairs, or unless the Conservators of the River *Mersey* shall otherwise direct.

Trustees not
to reduce
Level of
Water in Pool
lower than 13
Feet above
the Level of
the Old Dock
Sill at Liver-
pool.

XLIV. And whereas the said Commissioners of the *Birkenhead Docks* have lent to the Commissioners for the Improvement of the Township of *Birkenhead* and to the *Birkenhead Dock Company* respectively divers Sums of Money, Part of the Monies raised under the Powers of the recited Acts, the Right and Power to receive which Sums so lent will be vested in the Trustees appointed under this Act, but it is doubtful whether the first-mentioned Commissioners were authorized by the said recited Acts to lend such Sums of Money: Be it therefore enacted, That the said Commissioners of the *Birkenhead Docks*, and every of them, and the Heirs, Executors, and Administrators of every of them, and their and every of their Estate and Effects, shall be absolutely released and discharged from all Actions, Suits, Liabilities, Claims, and Demands whatsoever, upon, for, or by reason of their having lent and advanced to the said Commissioners for the Improvement of *Birkenhead*, and to the said *Birkenhead Dock Company*, such Sums of Money as aforesaid, and this Act may be pleaded in bar to any Action or Suit against any such Commissioners or Commissioner of the *Birkenhead Docks*, or the Heirs, Executors, and Administrators of any of them, upon, for, or by reason of any such Loan as aforesaid.

Indemnity to
retiring Com-
missioners.

XLV. Whereas it is expedient to provide for the defraying of the Expense of such a Police Force as may be requisite for the Protection of the Docks, Wharfs, Quays, and Premises of the Trustees of the *Birkenhead Docks*: Be it therefore enacted, That from and after the passing of this Act the said Trustees shall bear, pay, or reimburse to the Commissioners of the Township of *Birkenhead* all Charges and Expenses incident to the providing and maintaining such Portion of the Police Force of the said Commissioners as shall from Time to Time be required by the Trustees and be employed in,

Expenses of
Police em-
ployed on
Dock,
Quays, &c. to
be defrayed
by Trustees.

in, upon, or about the said Docks, Wharfs, Quays, and Premises, or any of them.

For the Protection of Woodside Ferry.

XLVI. And whereas by the first-recited Act it is enacted, that the Commissioners for executing that Act should make in the said Sea Wall between *Seacombe* and *Woodside* not less than Two several and distinct Slips or Flights of Stairs in such Parts of the said Wall, one between *Seacombe Ferry* and the large Basin, the other between *Woodside Ferry* and the said Basin, at nearly equal Distances from each, both of which said Slips and Stairs should be landing and embarking Places for the Accommodation of the Public, and should respectively be not less than Six Feet wide, and of easy Ascent, and the Public should have free Access thereto and therefrom; and it was thereby provided that nothing therein-before or in that Act contained should prejudice, diminish, alter, or take away the Rights and Privileges of the Ferries of *Woodside* and *Seacombe*, or of either of them: And whereas the said Commissioners for the Township of *Birkenhead* are or claim to be the Owners of *Woodside Ferry*, and have or claim the sole Right to ply Steamers, Boats, and Vessels used for the Conveyance of Passengers between the Works of the Trustees situate on the South Side of the said Basin and *Liverpool*: And whereas the Commissioners for the Improvement of *Birkenhead* are also the Commissioners of the *Birkenhead* Docks: And whereas upon the passing of this Act the said Commissioners for the Improvement of *Birkenhead* will not possess the same Means as they now possess for protecting the Interests of the said Ferry: And whereas it is desirable to afford Protection to the Rights of the said Commissioners, or other the Owner or Owners for the Time being of the said Ferry: Be it therefore enacted, That it shall be lawful for any Justice of the Peace of the County of *Chester*, not being One of the Commissioners for the said Township of *Birkenhead*, to hear and determine any Complaint which the said Commissioners of the Township of *Birkenhead*, or other the Owners or Owner for the Time being of the said *Woodside Ferry*, may prefer against any Person or Persons who shall land at or embark from the said Slips or Flights of Stairs between *Woodside Ferry* and the said Basin for the Purpose or with the Intention of unlawfully avoiding the Payment of Toll to the said Commissioners, or to the Owner or Owners for the Time being of the said *Woodside Ferry*; and if it shall appear to such Justice, on the Hearing of the said Complaint, that such Person or Persons shall have been guilty of such Offence, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings; and such Penalty shall and may be recovered in the like Manner as in and by the said First-recited Act is provided for the Recovery of any Penalty thereby imposed.

Agreements entered into not to be prejudiced.

XLVII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice or affect any Agreement entered into between the Commissioners acting in the Execution of the said recited Acts and any other Person or Persons which, but for the passing of this Act, might have been enforced in any Court of Law or Equity.

XLVIII. Pro.

XLVIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, diminish, or affect the Rights, Privileges, Powers, or Authorities of the Owner of a certain Ferry between *Seacombe* and *Liverpool*, called *Seacombe Ferry*. Not to affect Rights of Owner of Seacombe Ferry.

XLIX. Provided also, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, alter, diminish, or affect the Rights, Franchises, Privileges, Powers, or Authorities of the Owners of a certain Ferry from *Birkenhead* to *Liverpool* called *Woodside Ferry*, or prejudice, diminish, alter, or take away any of the Rights or Privileges, or any Power, Jurisdiction, or Authority, now vested in or enjoyed by the said Commissioners for the Improvement of *Birkenhead*, *Claughton-cum-Grange*, and Part of *Oxton*, or alter, repeal, or affect any of the Acts of Parliament relating to the Improvement of *Birkenhead*, *Claughton-cum-Grange*, and Part of *Oxton*, but that all such Rights and Privileges, and every such Power, Jurisdiction, Authority, and Acts, shall continue and be preserved and be in force as if this Act had not been passed, except so far as the same may be expressly altered or interfered with by this Act. Not to affect Rights of Birkenhead Improvement Commissioners.

L. Provided also, and be it enacted, That nothing herein contained shall prejudice, diminish, alter, or take away any of the Property, Rights, or Privileges, or any Power, Jurisdiction, or Authority, now vested in or enjoyed by the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* or the Trustees of the *Liverpool Docks* respectively, or alter, repeal, or affect any of the Acts of Parliament relating to the Docks or Harbour of *Liverpool*, but that all such Rights and Privileges, and every such Power, Jurisdiction, Authority, and Acts, shall continue and be preserved and be in force as if this Act had not been passed, except so far as the same may be expressly altered or interfered with by this Act. Saving the Rights of the Corporation of Liverpool and Docks Trustees.

LI. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, diminish, or affect the Rights, Powers, Privileges, or Authorities of the *Birkenhead, Lancashire, and Cheshire Junction Railway Company*. Saving the Rights of the Birkenhead, &c. Railway Company.

LII. And be it enacted, That nothing in this Act contained shall extend to authorize the Trustees of the *Birkenhead Docks* to take or use any Land or Soil belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose; or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors. Saving the Rights of the Crown.

LIII. And be it enacted, That the Expenses of preparing and applying for, obtaining, and passing this Act, and incident thereto, shall be defrayed by the Trustees of the *Birkenhead Docks* out of the Expenses of Act.

1974

11° & 12° VICTORIÆ, *Cap. cxliv.*

first Monies which shall come into their Hands after the passing of this Act.

Public Act.

LIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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