



ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. c.

An Act to carry into effect Arrangements made between the Commissioners of Her Majesty's Woods and the Trustees of the *Birkenhead Docks*; to amend the Acts relating to the said Docks, and to extend the Time for Completion of Works; and for other Purposes.

[14th August 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for constructing Tidal Basins, a Dock, and other Works at Birkenhead in the County of Chester, and for other Purposes*: 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, 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 whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to authorize the Birkenhead Dock Commissioners*

7 & 8 Vict. c. 79.

8 & 9 Vict. c. 4.

10 & 11 Vict. c. 264.

[Local.]

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Commissioners

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Commissioners to construct an additional Dock and other Works at Birkenhead in the County of Chester, and for other Purposes: And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *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 whereas another Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled* *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 intituled "The Trustees of the Birkenhead Docks," and for other Purposes: And whereas it is expedient that an Alteration should be made in the Line or Course of Part of the Sea or Wharf Wall by the secondly-recited Act authorized to be constructed on the North Side of Wallasey Pool, and that the Time limited by the said recited Acts or some of them for the Completion of the several Works thereby authorized should be extended and enlarged, and that further and more effectual Powers should be vested in the Trustees acting in the Execution of the said recited Acts for carrying the same into execution, and that some of the Powers and Provisions of the said recited Acts should be amended, extended, and enlarged, or repealed; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,*

10 & 11 Vict. c. 265.

11 & 12 Vict. c. 144.

Provisions of recited Acts extended to this Act.

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 to the several Purposes and 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.

Short Title of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "*The Birkenhead Dock Trustees Act, 1850.*"

Power to alter Course of Part of Sea Wall on North Side

III. And whereas Plans and Sections, showing an Alteration in the Line or Course of a Portion of the Sea or Wharf Wall authorized by the secondly-recited Act to be erected on the North Side of *Wallasey Pool*, together with a Book of Reference to such Plans, were deposited

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with the Clerk of the Peace for the County of *Chester* on or about the Thirtieth Day of *November* One thousand eight hundred and forty-nine: Be it enacted, That it shall be lawful for the Trustees of the *Birkenhead* Docks to deviate in the Construction of the Sea or Wharf Wall authorized by the said secondly-recited Act from the Line or Course and Levels thereof as defined upon the Plans and Sections referred to in such Act, provided that no such Deviation shall be made to a greater Extent than is shown upon the Plans and Sections deposited with the Clerk of the Peace for the County of *Chester* on or about the Thirtieth Day of *November* One thousand eight hundred and forty-nine as before mentioned.

of Wallasey
Pool.

IV. And be it enacted, That the Time limited by the said recited Acts or any of them for the Completion of all or any of the Works thereby respectively authorized, shall be and the same is hereby extended until the Expiration of Ten Years from the passing of this Act.

Time for
Completion
of Works
extended.

V. Provided always, and be it enacted, That the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who under the Provisions of the recited Acts shall award or assess the Compensation to be made by the Trustees to the Owners or Occupiers of or other Persons interested in any Lands which may be injuriously affected by the Construction of the Works by the said Acts authorized, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension hereby authorized of the Period aforesaid, or of the Noncompletion of the Works within the Time limited by this Act; but nothing herein contained shall be construed to authorize the said Justices, Arbitrators, Umpires, or Juries who shall award or assess any Compensation in respect of Damage sustained by any such Owners, Occupiers, or other Persons by reason of such Noncompletion of the Works as last aforesaid, to have regard to or make Compensation for any Claim relating to any increased Value of such Lands which it may be alleged would have arisen had the Works been completed within the said last-mentioned Time.

Parties ag-
grieved by
Extension of
Time being
granted may
have Com-
pensation for
additional
Damage.

VI. And whereas by the said first-recited Act it was enacted, that if the Sea Wall, Embankments, and Tidal Basins or Harbours in the said Act mentioned should not be completed within Ten Years from the passing of the said Act, or should at any Time be discontinued, and the Use thereof for the Purposes of the said Act should be abandoned, all such Land, Soil, and Shore belonging to Her Majesty in right of Her Crown as should be granted, taken, or used for the Purposes of the said Act should revert to Her Majesty, Her Heirs and

Certain Pro-
visions of
7 & 8 Vict.
c. 79. and
10 & 11 Vict.
c. 264. as to
Completion
of Works
within spe-
cified Time
repealed.

Successors,

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Successors, and any Grant made in pursuance of the Powers thereby given should determine and be void : And whereas by the said thirdly-recited Act it was enacted, that if the Sea Wall, Embankments, Tidal Basins, Docks, and other Works by the said first-recited Act and the now reciting Act authorized to be made should not be prosecuted with all practicable Despatch, and completed to the Satisfaction of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings within the Space of Ten Years from the passing of the said first-recited Act, or should at any Time be discontinued, and the Use thereof for the Purposes of the said Acts should be abandoned, then and in any such Case all such Land, Soil, and Shore belonging to or claimed by Her Majesty, and which had been granted, taken, or used for the Purposes of the said Acts, should revert to Her Majesty, Her Heirs and Successors, and any Grant made to the Commissioners acting in the Execution of the said Acts in pursuance of the Powers thereby given should determine and be void : And whereas it is expedient that the said Provisions should be repealed : Be it enacted, That the said Provisions shall be and the same are hereby repealed.

Provision of
10 & 11 Vict.
c. 264. as to
partial Sus-
pension of
Provisions
of Act re-
pealed.

VII. And whereas by the thirdly-recited Act it was enacted, that notwithstanding anything therein-before contained the Powers intended to be thereby 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 Coasters Basin at *Woodside* for the Purpose of passing into and out of *Wallasey Pool* and the Docks communicating therewith, for the Term therein mentioned, should not come into operation or take effect until certain Monies therein mentioned or referred to should have been replaced and made available for the Objects for which the same were originally raised, or until the said Commissioners should give to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings such good and sufficient Security as therein mentioned for the Repayment and Application of all such Monies at the Times and in the Manner therein mentioned or referred to, and immediately after such Repayment should have been made, or such Security provided as aforesaid, Her Majesty's said Commissioners were to cause Notice to be published in the "*London Gazette*" that the partial Suspension of the said Act had ceased, and thereupon the several Powers and Authorities and Permission therein-before mentioned or referred to were to come into operation and take effect as if the said Clause had not been inserted : And whereas it is expedient that the said Provision should be repealed : Be it therefore enacted, That the said Provision, and every Matter and Thing therein contained, shall be and the same is hereby repealed.

VIII. And

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VIII. And whereas by the said thirdly-recited Act (after reciting that pending the Construction of the Great Tidal Basin and other Works authorized by the first-recited Act the only practicable Entrance for Vessels from the River *Mersey* to the New Dock by such thirdly-recited Act authorized to be made, and to *Wallasey Pool*, would be through the Smaller Tidal or Coasters Basin at *Woodside*,) it was enacted, that nothing in the therein-recited Acts contained should be construed to prevent Vessels though of greater Burden than Two hundred Tons from resorting to or using the said Tidal or Coasters Basin at *Woodside*, for the Purpose only of passing into or out of the said Pool and the Docks communicating therewith, for the Term of Three Years from the passing of the said thirdly-recited Act, or for such shorter Term as should elapse before the Completion of the said Great Tidal Basin, and the opening of the Entrance thereto from the River *Mersey*: And whereas by the said thirdly-recited Act it was also enacted, that from and immediately after the Expiration of the Term of Three Years from the passing thereof, or of such earlier Completion of the said Great Tidal Basin, and the Entrance thereto as aforesaid, whichever should first happen, it should be imperative on the Commissioners of the *Birkenhead* Docks, whenever they should be required by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to close the temporary Entrance from the said *Woodside* Basin into the said New Dock, by constructing and finishing, to the Satisfaction of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or their Engineer, good and substantial River Walls of Brick or Stone across such temporary Entrance, and by laying down and completing upon the said Walls a convenient Wharf or Quay, with a Cart and Carriage Way thereon, in continuation of the Wharfs or Quays abutting on or adjoining each Side of such temporary Passage; and that if the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should not require such temporary Passage to be permanently closed, it should not be lawful for any Vessels (other than Coasting Vessels) exceeding Two hundred Tons Burden to use or enter such temporary Passage: And whereas it is expedient that the Time limited by the said recited Act for the Use of the said temporary Passage by Vessels of greater Burden than Two hundred Tons should be extended: Be it enacted, That, notwithstanding anything in the said recited Acts contained, it shall be lawful for Vessels (whether Coasting Vessels or otherwise) to resort to and use the said Tidal or Coasters Basin at *Woodside*, for the Purpose only of passing into or out of the said Pool and the Docks communicating therewith, for the Term of Ten Years from the passing of this Act, or for such further Term or Terms as the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral,

Extending
Period during
which certain
Vessels may
use Wood-
side Basin.

[*Local.*]

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shall,

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shall, by Writing under the Hand of the Secretary of the Admiralty, at any Time or Times thereafter sanction and agree to, and for all Coasting Vessels, of whatever Burden, at all Times hereafter to use the said Tidal or Coasters Basin as a Means of Passage between the said Pool and Docks and the River *Mersey*; and that the Trustees of the *Birkenhead* Docks shall not at any Time hereafter be required to close such temporary Passage from the said *Woodside* Basin into the said Dock, either in the Manner prescribed by the said thirdly-recited Act or in any other Manner or by any other Means whatsoever.

Reclaimed
Land on
Seacombe
Side of the
Great Tidal
Basin re-
vested in the
Crown free
from all
Restrictions
as to the
Appropri-
ation thereof.

IX. And whereas by the said thirdly-recited Act the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were empowered (with such Consent as therein mentioned) to grant by way of Exchange to the Commissioners of the said Docks all the Estate and Interest of Her Majesty in so much of the Land to be reclaimed on the *Birkenhead* Side of the said Pool as was more particularly described in the Plan referred to by the said Act, and therein coloured Red; and it was enacted, that upon such Grant being made there should vest in Her Majesty, Her Heirs and Successors, so much of the reclaimed Land vested in the said Dock Commissioners as was described on the said Plan, and therein coloured Blue, being Part of the Land adjoining the Crown Reserve on the *Seacombe* Side of the said Pool, but the said last-mentioned Exchange has not yet been completed: And whereas the Commissioners for carrying the said recited Acts into execution have already constructed a Portion of the Sea Wall in front of the River *Mersey*, from *Seacombe Ferry* towards the Northern Side of the intended Entrance into the Great Tidal Basin aforesaid, at an Expense of Twenty-two thousand Pounds or thereabouts, but they are unable to complete the same for Want of the necessary Funds: And whereas it has been agreed that all the Land to be reclaimed on the *Seacombe* Side of the Great Tidal Basin aforesaid (including the Land which has not yet been re-vested in Her Majesty under the Provisions of the said thirdly-recited Act) shall be immediately re-vested in Her Majesty, Her Heirs and Successors, free from all Restrictions as to the Application thereof contained in the said recited Acts or any of them, upon Condition that the entire Expense of constructing the Wall in front of the River *Mersey* and along the North Side of the Great Tidal Basin, within the Limits herein-after mentioned, shall be borne and paid by the Crown as herein-after provided, and also subject to the Conditions and Stipulations herein-after contained: Be it therefore enacted, That from and immediately after the passing of this Act all the Freehold and Inheritance in Fee Simple in possession of and in the Land reclaimed or intended to be reclaimed on the North or *Seacombe* Side of the Great Tidal Basin extending from the open Space on the South Side of

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Seacombe Ferry Slip to the *Neff Point*, and usually denominated the *North Reserve* (including the Land which has not yet been re-vested in Her Majesty under the Provisions of the said thirdly-recited Act), comprising altogether in Extent Sixty Acres or thereabouts, together with the Walls and other Buildings and Works erected or in course of Erection on any Part of the said Land, shall be and the same is hereby absolutely vested in Her Majesty, Her Heirs and Successors, for ever, free from all Charges and Incumbrances thereon by the Trustees of the *Birkenhead Docks*, or any other Persons or Corporations whatever, and also freed and absolutely discharged from all Conditions, Restrictions, and Liabilities whatsoever in the said Acts or any of them contained as to the Construction and Maintenance of Quays or Wharfs, and Slips or Flights of Steps, upon or in the said Lands or Walls or any Part thereof respectively, or as to any Obligation to sell or lease the same or any Part thereof to the said Trustees or any other Person whomsoever, to the Intent and so that Her Majesty, Her Heirs and Successors, may become and be seised and possessed of the entire Area of the said Piece of Land called the *North Reserve* between the Limits of *Seacombe Ferry* and the intended permanent Embankment across *Wallasey Pool*, and may have Power to appropriate the whole or any Part of such Land for such Purposes and in such Manner as may be deemed most advantageous for the Crown Property, subject only to the Conditions and Stipulations herein-after contained.

X. And be it enacted, That, in consideration of the Land so vested in Her Majesty as aforesaid, the entire Cost and Expense of constructing the Wall in front of the River *Mersey* from *Seacombe Ferry* to the Northern Side of the Entrance into the Great Tidal Basin, and the Continuation of the same Wall from the Entrance aforesaid along the North Side of the said Basin up to the Northern Entrance Gates in the said intended permanent Embankment, as shown in the Plan herein-after referred to, and also the Cost and Expense of excavating the Foundations for the said Wall within the Limits aforesaid, and of backing the said Wall, in order to sustain and secure it from Damage, (Excavations sufficient to form such backing being provided by and at the Expense of the Trustees of the said Docks,) shall be borne and paid by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings in manner herein-after provided; and the said Commissioners shall also bear the extra Expense, if any, to be occasioned by depositing the Excavations required for such backing upon convenient Parts of the adjoining Land instead of delivering the same at Places where they would otherwise have been disposed of by the said Trustees.

Cost, &c. of the Wall on North Side of Basin to be borne by the Crown.

XI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings,

Commissioners of Woods &c. to repay Cost of Wall

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in front of
the North
Reserve to
be applied in
continuing
Walls of
South Re-
serve.

Buildings, and they are hereby authorized and empowered, at any Time or Times after the passing of this Act, with and out of any Monies in their Hands arising from the Land Revenues of the Crown, or to be borrowed by them on the Security of the Land so vested in Her Majesty as aforesaid, to reimburse to the Trustees of the *Birkenhead* Docks or their Successors, in manner and by the Instalments herein-after mentioned, the Sum of Twenty-two thousand Pounds, as and for the Amount actually expended by the said Trustees in constructing and incident to the Construction of the Portions of the said Wall on the North Side of the Great Tidal Basin aforesaid already completed or commenced by such Trustees; and the Monies so to be repaid to the said Trustees shall be applicable, under the Supervision and subject to the Control of an Engineer to be approved of by Her Majesty's said Commissioners, in or towards the Continuation and Completion, according to the Plan herein-after referred to, of the Wall in front of the River *Mersey* on the South Side of the Entrance into the Great Tidal Basin aforesaid, and the Continuation of the same Wall along the South Side of the Great Tidal Basin, of equally good Materials and Workmanship, and generally of the same Substance and Character, as the Portions of the said Wall which have been already commenced, and the Foundations thereof to be sunk to a Depth suitable for the Great Tidal Basin when excavated, according to the Plan referred to in the first herein-before recited Act.

Accounts to
be rendered
of Monies
expended in
continuing
the Walls
round the
South Re-
serve.

XII. And be it enacted, That the Trustees of the *Birkenhead* Docks shall and they are hereby required from Time to Time after the passing of this Act to render to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, full, true, and accurate Accounts, accompanied by proper Vouchers for the same, of all the Sums of Money, to the Extent of Twenty-two thousand Pounds in the whole, which they shall from Time to Time hereafter actually expend, or for which they shall become liable, in or about the Continuation and Completion of the Wall in front of the River *Mersey* on the South Side of the Entrance into the Great Tidal Basin aforesaid, and the Continuation of the same Wall along the South Side of the Great Tidal Basin, as lastly herein-before mentioned; and thereupon it shall be lawful for Her Majesty's said Commissioners, upon being satisfied with the Correctness of such Accounts and the Execution of the Works to which the same relate, to pay to the said Trustees or to their Order, by such Instalments and in such Manner as the said Commissioners shall think proper, the Amount so expended, or for which Liabilities shall have been so incurred as aforesaid, to the Extent nevertheless not exceeding in the whole the Sum of Twenty-two thousand Pounds: Provided always, that in case Her Majesty's said Commissioners shall be dissatisfied with the said Accounts, or in case any Dispute or Question shall arise between them
and

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and the Trustees of the said Docks as to the Amount of the Expenditure properly chargeable in respect of such Portion of the said Works as aforesaid, the Examination of the said Accounts shall be referred to *Robert Stephenson* Esquire, Civil Engineer, or to some other Person to be mutually agreed upon between the said Commissioners and the said Trustees; and the Certificate of the said *Robert Stephenson* or such other Person as aforesaid, as the Case may be, of the Sum to be paid to the said Trustees or their Order in respect thereof under the Authority of this Act, shall be binding and conclusive upon all Parties.

XIII. And with respect to the Construction of so much of the said Wall round the *North Reserve* as is not yet completed, and the Expense whereof is to be borne by the Crown as herein-before mentioned, be it enacted, That the Trustees of the *Birkenhead Docks* shall forthwith cause an Estimate to be made by their Engineer of the entire Cost and Expense of completing such Parts of the said Wall as aforesaid, and of excavating the Foundations for the same and of laying Materials (such Materials being provided by and at the Expense of the said Trustees as herein-before provided) in such a Manner as to form a sufficient Backing and Support to the said Wall when built, and shall within Three Weeks from the passing of this Act send such Estimate or a Copy thereof signed by such Engineer to Her Majesty's said Commissioners; and it shall be lawful for Her Majesty's said Commissioners and they are hereby authorized and empowered, in case they shall approve of such Estimate and of the Contracts to be entered into for the Execution of the Works specified therein, with and out of any Monies in their Hands arising from the Land Revenues of the Crown, or to be borrowed by them on the Security of the Land so vested in Her Majesty as aforesaid, from Time to Time to advance and pay to the Trustees of the said Docks, or the Contractors who shall engage to complete such Works, such Sums of Money for such Purposes, at such Times, and in such Manner as shall in that Behalf be specified and provided in such Contracts respectively.

Commissioners of Woods, &c. empowered to advance Monies necessary for completing the Wall from Seacombe Ferry to permanent Embankment.

XIV. Provided always, and be it enacted, That in case Her Majesty's said Commissioners shall be dissatisfied with the Estimate to be so submitted to them as aforesaid, or with the Terms of any Contract proposed to be entered into by the said Trustees for the Execution of such Works, or in case, for any Reason, they shall prefer executing such Works themselves or to have the same executed by any other Persons, then and in any such Case, at any Time after giving Fourteen Days Notice of such their Intention to the Trustees of the said Docks, it shall be lawful for Her Majesty's said Commissioners themselves to undertake and complete such Works, or to enter

Power to Commissioners of Woods, &c., if dissatisfied, to undertake Completion of Works themselves.

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into any Contract or Contracts for the carrying on and Completion of the same by any other Persons, at such Time or Times, in such Manner, and subject to such Conditions and Stipulations, as they shall deem expedient; and in case such Works shall be executed by the Trustees of the said Docks or under any Contract to be entered into by them, and any Dispute or Question shall arise between Her Majesty's said Commissioners and the said Trustees with reference to any Sum of Money payable by the said Commissioners under or by virtue of any such Estimate or Contract as aforesaid, all such Matters shall be referred to the said *Robert Stephenson*, or to some other Person to be mutually agreed upon between the said Commissioners and the said Trustees; and the Certificate of the said *Robert Stephenson* or such other Person as aforesaid, as the Case may be, of the Sum to be paid by Her Majesty's said Commissioners shall be binding and conclusive upon all Parties.

Wall to be built in such Form as Commissioners of Woods, &c. shall direct, and when completed to be absolutely vested in the Crown.

XV. And be it enacted, That the Portions of the Wall so to be constructed round the *North Reserve* hereby vested in Her Majesty as aforesaid shall be built, with all such Slips and Openings therein, of such Materials and in such Form as Her Majesty's said Commissioners shall direct, and in all respects to their Satisfaction and Approval, and the entire Property of and in such Wall when completed, and the Site thereof, or in so much and such Parts thereof as shall from Time to Time be completed, shall be absolutely vested in Her Majesty, Her Heirs, Successors, and Assigns, free from all Charges and Incumbrances, Claims and Demands, whatsoever, subject only to the Conditions and Stipulations herein-after contained, and to the Liability and Obligation to repair and maintain the same: Provided nevertheless, that no Slips or Openings shall be made or left in the said Wall unless convenient Bridges of Communication be constructed and kept for Foot Passengers to cross the same.

Open Space to be left in front of Wall round the North Reserve.

XVI. And be it enacted, That a Space of not less than Fifty Feet in Width along so much of the said Wall as shall extend from the extreme North-westerly Corner thereof at *Seacombe* to the Northern Corner of the Entrance into the Great Tidal Basin, and of not less than One hundred Feet in Width, along the Wall from such Northern Corner to the intended permanent Embankment, or along such Portions of the said Walls respectively in which no Slips or Openings with Bridges over the same shall from Time to Time be made, shall at all Times be left open and uninclosed; and it shall be lawful for the Trustees of the said Docks at any Time or Times to fix Mooring Posts in or upon any Part of such open Space, or otherwise to make use of the same for the Purpose only of working Vessels into and out of the Great Tidal Basin, or the Great Float or Docks adjoining thereto: Provided always, that nothing herein contained shall operate

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operate or enure to restrict or abridge or in any wise to impede or interfere with the Right of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to make all such Openings from the said Piece of Land called the *North Reserve* into the Great Tidal Basin and the River *Mersey* as may from Time to Time be deemed expedient, or otherwise to make use of the said *North Reserve* or any Part thereof other than the Space to be left open as aforesaid for Docks, Basins, Building Yards, or any other Purpose that may be thought most beneficial for the Crown Property; and for all or any of the Purposes aforesaid it shall be lawful for Her Majesty's said Commissioners at any Time or Times to take up and remove any Mooring Posts that may have been fixed in such open Space, or otherwise for or in the Execution of all or any of the Purposes aforesaid to interrupt the Trustees of the said Docks in the Use thereof herein-before permitted.

XVII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and required, within Twelve Calendar Months after the Portion of the Wall remaining to be constructed round the *North Reserve* shall have been completed, with and out of any Monies in their Hands arising from the Land Revenues of the Crown, or to be borrowed by them on the Security of the said *North Reserve* as aforesaid, to construct, according to the Plan herein-after referred to, which has been laid down by *James Meadows Rendel*, Civil Engineer, and approved of by Her Majesty's said Commissioners, and also by the Commissioners for executing an Act passed in the Eighth Year of Her Majesty's Reign, intituled *An Act for paving, lighting, watching, cleansing, and otherwise improving the Parish of Wallasey in the County of Chester, and for establishing a Police and also a Market within the said Parish, and for other Purposes*, (but with Power to deviate from the Line of the said Road as laid down upon the said Plan to the Extent of Ten Yards on each or either Side of such Line;) upon and through the Land on the North Side of the Great Tidal Basin so vested in Her Majesty as aforesaid, a good and sufficient Carriage Road, with a raised Causeway on One Side thereof for Foot Passengers, from the intended permanent Embankment across *Wallasey Pool* to the extreme North-westerly Corner of the said Land, the Line and Width of which said Road, including the said Causeway, are set out and defined upon the aforesaid Plan, and the Materials of which the same Road and Causeway respectively are to be constructed are to be determined by the said *James Meadows Rendel*: Provided always, that from and after the Completion of the said Road and Causeway the same shall for ever thereafter be maintained and repaired by and at the Expense of the Commissioners for executing the said *Wallasey Improvement Act*; and

Public Road to be made across reserved Crown Lands on Seacombe Side of Great Tidal Basin.

8 & 9 Vict. c. 6.

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and shall at all Times thereafter be and be deemed to be a public Thoroughfare for the free and uninterrupted Transit of all Foot Passengers, Horses, Carts, Carriages, and other Traffic; and it shall be lawful for the Trustees of the said Docks from Time to Time, with the Consent of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and (so far as relates to the said public Road) with the Consent of the Commissioners for executing the said *Wallasey* Improvement Act, to lay down, repair, and maintain Lines of Rails upon such Parts of the said public Road and of the Lands belonging to Her Majesty adjoining thereto as Her Majesty's said Commissioners shall from Time to Time permit and approve of, in continuation of the Rails to be laid down by the said Trustees upon the permanent Embankment across *Wallasey Pool*, so as to effect convenient and continuous Railway Communication between the said Lands and any Lands abutting thereon, and the said permanent Embankment, and the *Birkenhead, Lancashire, and Cheshire* Junction Railway, on the South Side of the said Pool; and the Owners and Occupiers for the Time being of the Land so vested in Her Majesty as aforesaid, and also the Owners and Occupiers for the Time being of the Lands abutting on the said Road or on the said Lands so vested in Her Majesty, shall have the Use and Enjoyment in common of such Railway Communication, subject only to the Payment of the Tolls for crossing the said Embankment, and to the Restrictions and Regulations in the Use of the Rails to be laid down over the same, which by the recited Acts or any of them are authorized or required to be taken, imposed, or observed; and it shall be lawful for Her Majesty's said Commissioners, and the Owners and Occupiers for the Time being of the Land so vested in Her Majesty as aforesaid, to lay down and maintain Branch Lines of Rails across the said public Road to communicate with any Rails to be laid down by the said Trustees under the Power hereinbefore contained.

Railway to
be made over
temporary
Dam across
Wallasey
Pool.

XVIII. And be it enacted, That in the meantime and until the said permanent Embankment across *Wallasey Pool* shall be constructed and completed, and Lines of Rails laid down and ready for public Use upon and over the same, it shall be lawful for the Trustees of the said Docks, and they are hereby authorized and required, to construct within Four Calendar Months after the passing of this Act, and thereafter to maintain, a good and sufficient Line of Rails along and over the temporary Dam now made across the said Pool, to communicate with the Lands so vested in Her Majesty as aforesaid at a Point Eastward of the said intended public Road, and with the Land intended to be appropriated as a public Quay to the Westward of such Road, and the several Lands abutting thereon or upon the said public Road, as respectively shown in the Plan herein-after

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referred to, and to form a Junction between all the several Lands herein-before mentioned and the said *Birkenhead, Lancashire, and Cheshire Junction* Railway on the South Side of the said Pool; and the Owners and Occupiers for the Time being of the Land so vested in Her Majesty as aforesaid, and of the several other Lands herein-before mentioned, shall have the free Use and Enjoyment of the said Line of Rails in common with others who may be entitled to use the same until the said permanent Embankment and Line of Rails over the same shall have been constructed and completely finished and open for public Traffic.

XIX. And whereas a Map or Plan, being the Plan herein-before referred to, has been prepared by the said *James Meadows Rendel*, the Engineer of the said Docks, showing the Sites of the said Lands called the *North* and *South Reserves*, the Lines of River and Side Walls and open Spaces to be reserved along the same, the Great Tidal Basin and temporary Dam across the Entrance thereto from the River *Mersey*, the temporary and intended permanent Dam across *Wallasey Pool*, the *Woodside* Basin and Beaching-ground for Coasting Vessels within the same, the *Morpeth* and *Egerton* Docks, and present Entrance into the said Docks, the public Road to be constructed by Her Majesty's Commissioners of Woods across the *North Reserve*, the public Quay, the temporary and permanent Railway Communication to be provided by the said Dock Trustees, and generally the temporary and permanent Works already constructed and yet remaining to be constructed by the said Dock Trustees and by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings respectively under the Provisions of this Act: Be it enacted, That the said Map or Plan, when authenticated by the Signatures of the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the Chairman for the Time being of the said Dock Trustees, shall be deposited in the Office of Woods, and a Duplicate thereof, authenticated as aforesaid, shall be deposited in the Office of the Clerk of the Peace for the County of *Chester*; and all Persons shall be at liberty to inspect the said Plans or either of them at all seasonable Times, paying the Fee of One Shilling for each Inspection.

Plan, when authenticated, to be deposited, and to be open to Inspection.

XX. And be it enacted, That such Part of the Land hereby vested in Her Majesty as aforesaid, or as is coloured Blue upon the Plan lastly herein-before referred to, lying on the West Side of the Line of the said intended Road as defined on the said Plan, and extending along the Margin of the intended Great Float and the North Wharf Wall, to be constructed by the Trustees of the said Docks immediately above the said intended permanent Embankment, to the Depth at its extreme Point of Three hundred and eighty Feet or thereabouts behind the said Wall, shall at all Times be kept open and

Space to be left open adjoining the permanent Embankment.

[*Local.*]

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unenclosed

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unenclosed as and for a public Wharf and Quay, and for the convenient opening and shutting of the Dock Gates, and the working of Vessels into and out of the Great Float; and the Trustees of the said Docks, and the Owners and Occupiers of Lands adjoining, and all other Persons, shall have free Use, in common with the Owners and Occupiers for the Time being of the Lands so vested in Her Majesty as aforesaid, of the said Piece of Land so to be kept open and unenclosed, and of the Wharf Wall so to be constructed by the said Trustees as aforesaid, for the ordinary Purposes of a public Quay, and for landing and shipping Merchandize, and also for the Purpose of communicating with such public Road as aforesaid; but nevertheless without Prejudice to the reasonable Accommodation required for conveniently working Vessels into and out of the Great Float, and for opening and shutting the Gates in the said permanent Embankment; and the Trustees of the said Docks shall and they are hereby required, within Three Calendar Months after the Completion of the said public Quay, to erect and provide upon the said Piece of Land for public Use all such Cranes, Sheds, Weighing and other Machines, Weights, Measures, and other Conveniences, as are necessary and proper for loading, unloading, weighing, and measuring Goods, Articles, and Merchandize exported or imported, and shall keep the same at all Times in good and sufficient Repair; and it shall be lawful for the said Trustees to make all such Bye Laws, Rules, and Regulations with reference to the Use of the said Wharf and Quay, and the Cranes, Sheds, Weighing and other Machines, to be erected and provided thereon as aforesaid, as by the said recited Acts or any of them they are authorized or empowered to make with reference to the Quays, Wharfs, or Docks by the said recited Acts or any of them authorized to be made, and the Cranes, Sheds, Weighing and other Machines, and Conveniences to be erected and provided on such last-mentioned Quays and Wharfs: Provided nevertheless, that it shall not be lawful for the said Trustees to demand and take for the Use of any Cranes, Weighing Machines, or other Conveniences to be erected and provided by them upon the said Piece of Land so to be kept open for a public Wharf and Quay as aforesaid any higher Rates than the said Trustees shall at the same Time demand and take for the Use of like Cranes and Weighing Machines and other Conveniences upon the Wharfs and Quays of the *Morpeth and Egerton Docks* on the South Side of *Wallasey Pool*.

Commissioners of Woods, &c. empowered to make free Grants of South Reserve to Trustees of the Birkenhead Docks.

XXI. And in order to aid and assist the Trustees of the *Birkenhead Docks* to obtain Funds for the Completion of the Works herein-after specified or referred to, be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, with the Consent in Writing of the Lords Commissioners of Her Majesty's Treasury or any Two of them, at

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any Time after the passing of this Act, to give and grant to the said Trustees all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, of and in all that Part of the reclaimed Land and Soil and Shore of the River *Mersey* and of *Wallasey Pool* lying between the *Woodside* Basin on the South and the Great Tidal Basin on the North and North-west, and usually denominated the *South Reserve*, without taking any Consideration in Money for the giving or granting thereof, but subject to the Stipulations and Provisions herein-after contained; and all such Stipulations and Provisions shall and may at all Times hereafter be enforced in a Court of Equity by and at the Instance of the said Commissioners; and it shall be lawful for the said Commissioners, by and with the like Consent as aforesaid, to release and discharge the Trustees of the said Docks from all or any of the Covenants, Conditions, and Restrictions contained in any Grant which may have been heretofore made of Her Majesty's Estate, Right, Title, and Interest in any Part of such reclaimed Land, Soil, or Shore.

XXII. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to mortgage, sell, demise, or otherwise dispose of unto any Person or Corporation, either in consideration of a Sum of Money in gross or of a Rent reserved upon Demise for such Term or Terms of Years, or for such other Consideration or Return as the said Trustees shall think fit, all or any Part of the reclaimed Lands, Soil, and Shore herein-before mentioned, called the *South Reserve*, which may or may have become vested in them under the Authority of this Act or the said recited Acts, or any of them, and which shall not be required for the Parade or Walk by the said recited Acts or any of them reserved for the Recreation of the Public; and the Receipt of the Treasurer of the said Trustees for any Sum so paid or advanced shall be a sufficient Discharge to the Person paying or advancing the same, who shall not be bound to see to the Application thereof.

Trustees empowered to mortgage, &c. Lands in South Reserve not required for their Work.

XXIII. And be it enacted, That all Monies to be raised or received by the said Trustees by any of the Ways or Means aforesaid, for or in respect of the said Lands called the *South Reserve*, or any Part thereof, shall be forthwith applied and expended by the said Trustees in carrying on and completing, in such Order as they shall deem most advantageous, the several Works herein-after mentioned or some of them; (that is to say,) in constructing and completing, according to the Plans and Sections referred to by the said first-recited Act, the Sea Wall adjoining the River *Mersey* from *Woodside* Basin to the Southern Corner of the Entrance into the Great Tidal Basin, and the Continuation of the same Wall from such Southern Corner along the Southern and Eastern Sides of the said Basin, the permanent Em-
bankment

Monies so raised to be expended in completing Works authorized by first and third recited Acts.

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bankment across *Wallasey Pool*, with the Gates, Bridges, Sluices, and other Works connected therewith, and the Graving Docks authorized by the said third-recited Act on such Part of the said *South Reserve*, as the said Trustees shall think most convenient, in excavating and deepening the Area of the Great Tidal Basin aforesaid, and generally in executing and completing the several Works by the first and third recited Acts respectively authorized, together with such Dams and other Erections (including the temporary Dam across the Mouth of the Great Tidal Basin herein-after referred to) as shall be required for the Execution of such Works.

Trustees to construct a temporary Dam across the Mouth of Great Tidal Basin.

XXIV. And be it enacted, That the Trustees of the said Docks shall and they are hereby required, at the Cost and Expense of the Trust Estate, to construct and completely finish within Twelve Calendar Months from the passing of this Act a temporary Dam across the Mouth of the intended Entrance into the Great Tidal Basin, sufficient to exclude the Water from the Area of the said Basin and from the Foundations of the Walls to be built at the Expense of the Crown, and maintain such temporary Dam in a good and efficient State until the said Basin and the Walls surrounding the same and the intended permanent Embankment shall be completed and rendered fit for the Admission of the Tidal Water from the River *Mersey*.

Trustees may in first instance apply Part of the 22,000*l.* in constructing such temporary Dam.

XXV. Provided always, and be it enacted, That it shall be lawful for the said Trustees, in the first instance, to apply a competent Part of the Sum of Twenty-two thousand Pounds, to be reimbursed to the said Trustees by Her Majesty's said Commissioners as herein-before in that Behalf provided, in the Construction of such last-mentioned temporary Dam, so as to construct the same simultaneously with or before the Continuation of the River Wall in front of the *South Reserve*; and thereupon the said Trustees shall bind themselves by a written Undertaking under their Common Seal, to be enforceable in a Court of Equity, to replace the Sum to be so expended out of the said Sum of Twenty-two thousand Pounds out of the first Monies which they shall receive by Mortgage, Sale, or otherwise on the Credit of any Part of the *South Reserve*, or in default thereof out of the general Funds or Property of the said Trustees, and to apply the Monies to be so replaced for the Purposes and in the Manner herein-before specified with respect to the Application of the said Sum of Twenty-two thousand Pounds, it being distinctly understood that the whole of the said Sum of Twenty-two thousand Pounds shall be ultimately expended for such last-mentioned Purposes, and none other.

Rails to be subject to

XXVI. And be it enacted, That all Lines of Rails which shall or may from Time to Time be laid down by the said Trustees under any
of

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of the Provisions of this Act shall be subject to such reasonable Rules, Orders, and Regulations as to the Use thereof as the said Trustees shall from Time to Time make or direct for that Purpose. Regulations of Trustees.

XXVII. And with respect to all the Mud, Soil, Stone, and other Materials which shall be required to be excavated from the Area of the Great Tidal Basin in the Formation thereof, be it enacted as follows:— As to Excavations from the Area of the Great Tidal Basin.

1st. That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be at liberty, at any Time or Times after the passing of this Act, with and out of any Monies in their Hands arising from the Land Revenues of the Crown, or to be borrowed by them on the Security of the Land so vested in Her Majesty as aforesaid, to dig, get, and carry away from and out of the Parts of the said Area next adjoining the *North Reserve*, or from such other Parts thereof as they may deem most convenient for the Purpose, any Quantity of such Excavations and Materials, not exceeding in the whole One equal Half Part of the entire Quantity which shall be required to be excavated, and to dispose or make use of the Materials so excavated by them in any Manner they may think proper.

2dly. That in case Her Majesty's said Commissioners shall not avail themselves of the Power lastly herein-before conferred upon them, or not to the full Extent thereby permitted, then and in any such Case all the Surplus of such Materials and Excavations which shall remain after the Trustees of the said Docks shall have taken and appropriated so much thereof as they shall require for the Purpose of backing and supporting the several Walls to be built by them and Her Majesty's said Commissioners respectively, and of filling up and levelling the Surface of the said reclaimed Land called the *South Reserve*, shall from Time to Time be removed and deposited, by and at the Expense of the said Trustees, on the nearest convenient Part of the *North Reserve*, to be applied and disposed of in such Manner as Her Majesty's said Commissioners shall think fit.

3dly. That in case Her Majesty's said Commissioners shall at any Time hereafter, by Writing under the Hands of any Two of them, require the said Trustees to furnish an Estimate of the surplus Quantity of such Excavations and Materials as aforesaid which will remain available for the Use of the said Commissioners under the Provisions lastly herein-before contained, after supplying the Purposes of the said Trustees herein-before specified, then and in such Case the said Trustees shall forthwith cause such Estimate to be prepared accordingly by their Engineer, who shall include therein a Calculation of the Cost and Expense

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of excavating such surplus Quantity, and of depositing the same upon the nearest convenient Part of the *North Reserve*, such Cost and Expense to be calculated at the same Rate as it would cost the said Trustees themselves to excavate and remove such Materials, and shall send such Estimate and Calculation, or a Copy thereof, signed by such Engineer, to Her Majesty's said Commissioners; and it shall be lawful for the said Trustees, and they are hereby required, upon the Receipt of a written Requisition to that Effect from Her Majesty's said Commissioners, under the Hands of any Two of them, to execute and deliver to such Commissioners, under the Common Seal of the said Trustees, a good and sufficient Mortgage or other Security to be approved by the said Commissioners for securing the Repayment within a Space not exceeding Ten Years of the Amount at which such Cost and Expense shall be calculated as aforesaid, together with Interest thereon in the meantime after the Rate of Five Pounds *per Centum per Annum*, to commence from the Time when such estimated Surplus shall have been excavated and deposited as aforesaid, and to be paid thereafter by equal half-yearly Payments; and thereupon it shall be lawful for Her Majesty's said Commissioners, at any Time or Times after the Execution and Delivery of such Mortgage or other Security as aforesaid, to excavate and carry away such Quantity of the surplus Materials aforesaid as shall be specified in such Estimate; and in case of Default of Payment of the Amount at which the Expenses of such Excavation and Removal shall have been calculated as aforesaid within the Time to be limited by such Mortgage or other Security for the same as aforesaid, or in case of Default of Payment of Interest in the meantime, it shall be lawful for the said Commissioners to sue for and recover the Amount of such Expenses, and the Interest thereof, in any Court of competent Jurisdiction.

All Differences respecting such Excavations to be referred to Arbitration.

XXVIII. Provided always, and be it enacted, That in case any Difference or Dispute shall arise between Her Majesty's said Commissioners and the Trustees of the said Docks upon any Question relating to the Excavation or Removal of such Materials as aforesaid, or the Quantity available for the Use of the said Commissioners, or any Sum or Sums of Money payable in respect thereof or any Part thereof, all such Questions shall be referred to the Arbitration of the said *Robert Stephenson*, Civil Engineer, or of some other Person to be agreed upon between the said Commissioners and the said Trustees; and the Decision of the said *Robert Stephenson*, or such other Person as aforesaid, as the Case may be, on any such Question, shall be absolutely binding and conclusive upon all Parties concerned.

XXIX. And

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XXIX. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, with the Consent in Writing of the Lords Commissioners of Her Majesty's Treasury or any Two of them, at any Time or Times hereafter, at the Cost and Expense of the Trustees of the said Docks, to grant and convey to the said Trustees all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, of and in all or any Part of the reclaimed Land or Soil and Shore of the said Pool called *Wallasey Pool* above the said intended permanent Embankment which shall not have been granted or sold by the said Commissioners under the Authority of the said recited Acts or any of them, without taking any Consideration in Money for such Grant or Conveyance, but so nevertheless that every such Grant and Conveyance be expressed to be made in trust for the several Owners of the adjoining Land in front of which the several Portions of Foreshore comprised in such Grant and Conveyance shall respectively extend, who shall cause the Wharf Walls in front of their respective Lands to be built under the Provisions of the said recited Acts or this Act or any of them, and as an Encouragement and Inducement to such Landowners respectively to cause such Wharf Walls to be built accordingly with as little Delay as possible.

Commissioners of Woods, &c. to make free Grants to Trustees of Foreshore Rights above the permanent Embankment.

XXX. And be it enacted, That the said Trustees shall from Time to Time, and they are hereby required, on the Request of the several Owners of the Land immediately abutting upon the Soil or Shore of *Wallasey Pool* and the Creeks running into the same above the said intended permanent Embankment, who shall have caused the Wharf Walls in front of their respective Lands to be built in accordance with the Provisions of the said recited Acts or any of them, and whose Walls shall have been so built, and be of sufficient Substance and Durability, to convey to such Owners respectively, without taking any Consideration for the same, but at the Costs and Charges of such Owners respectively, all such Estate, Right, and Interest in the Portion of Soil or Foreshore lying between the said Sea or Wharf Walls and the Lands of such respective Owners as such Owners respectively shall have acquired in the Sea or Wharf Walls in front of their respective Lands.

Trustees to convey Foreshore to the Owners of Frontage Lands on Completion of their respective Portions of the Wall.

XXXI. And be it enacted, That in the meantime and until such several Portions of the Soil or Foreshore of the said Pool as herein-before mentioned shall be so conveyed to the respective Owners of the adjoining Lands as aforesaid the said Trustees and their Successors shall stand seised and possessed of all the Estate, Right, and Interest in and to the same which shall be so granted to and vested in them by Her Majesty's said Commissioners as herein-before is provided,

In the meantime Trustees to preserve such Foreshore from Encroachments and Nuisances.

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provided, upon trust to protect and preserve the said Soil or Shore above the said intended permanent Embankment from all Encroachments and Nuisances, and from any noxious Drainage being allowed to flow over or through the same or any Part thereof into the Great Float, so far as the said Trustees shall by Law be empowered to protect and preserve the same: Provided always, that it shall not be lawful for the said Trustees or their Successors to mortgage, sell, or demise the said last-mentioned Portions of the Soil or Shore aforesaid, or otherwise to apply or dispose of the same or any Part thereof so as to derive any Gain or Profit therefrom.

Treasury
empowered
to authorize
the Public
Works Loan
Commission-
ers to make
Advances to
the Commis-
sioners of
Woods, &c.
5 & 6 Vict.
c. 9.

XXXII. And be it enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer for the Time being, or any Two or more of them, if he or they shall think fit, from Time to Time by Warrant under his or their Hand or Hands to authorize and empower the Commissioners for the Time being for the Issue of Loans for Public Works and Fisheries, &c. acting in the Execution of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of Her Majesty's Reign, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, to advance and lend to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings the said Sum of Twenty-two thousand Pounds hereinbefore authorized and directed to be reimbursed and paid by them to the Trustees of the said Docks, as and for the Cost of constructing the Portion of the River Wall on the North Side of the Great Tidal Basin already constructed as aforesaid, and also all such further Sum and Sums of Money as Her Majesty's said Commissioners shall from Time to Time hereafter require for constructing, completing, repairing, and maintaining the several Walls, public Road, Bridges, and other Works hereinbefore required or authorized to be constructed, executed, repaired, or maintained by them, or for reclaiming, forming, or improving in Value the Land and Ground called the *North Reserve* so vested in Her Majesty, Her Heirs and Successors, as aforesaid; and the Repayment thereof, with Interest from the Time or respective Times of advancing the same, not exceeding the Rate of Four Pounds *per Centum per Annum*, shall be secured in such Manner as the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer for the Time being, or any Two or more of them, shall direct; and the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer may authorize and direct such Sum of Money to be advanced by such Instalments and from Time to Time as he or they shall think fit.

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XXXIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, with the Consent and Approbation of the Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer for the Time being, or any Two of them, notwithstanding any Provisions, Restrictions, or Clauses contained in any Act or Acts of Parliament relating to Her Majesty's Land Revenue, from Time to Time to take up and borrow at any Rate of Interest not exceeding the Rate of Five Pounds *per Centum per Annum*, and on such Terms and Conditions as they shall think proper, such Sum or Sums of Money as the said Commissioners, with such Consent and Approbation as aforesaid, shall judge necessary for the Purposes aforesaid, and to secure the Repayment of any Sum or Sums so to be advanced to them as aforesaid, with Interest for the same, by Mortgage of all or any Part or Parts of the Lands and Hereditaments called the *North Reserve* so vested in Her Majesty as aforesaid, and for that Purpose, with such Consent and Approbation as aforesaid, to execute any Grant, Demise, or Mortgage of all or any Part of the same Lands and Hereditaments to any Person or Persons, Bodies Politic or Corporate, his or their Executors, Administrators, Successors, or Assigns, for any Term of Years, so that every such Grant, Mortgage, or Security be made with a Proviso or Condition to cease and be void when the Sum or Sums of Money thereby to be secured and the Interest thereof shall be fully paid and satisfied; and every such Grant, Demise, or Mortgage as aforesaid, and every Assignment thereof, shall be enrolled in the Office of Land Revenue Records and Enrolments, and entered in the Office of Woods within Three Calendar Months from the Date thereof; and every such Grant, Demise, or Mortgage shall be good and valid notwithstanding any Provisions, Restrictions, or Clauses contained in any such Act or Acts of Parliament as aforesaid.

Commissioners of Woods, &c. empowered to raise Money on Mortgage to secure the Repayment of Loans.

XXXIV. And be it enacted, That it shall be lawful for the said Commissioners to make and grant Leases and Agreements for Leases, and to accept a Surrender of any Lease or Leases granted or to be granted, of any Hereditaments comprised in any Mortgage made or to be made in pursuance of this Act, and on any such Surrender to grant any other Lease or separate Leases of the Hereditaments so to be surrendered, for any Term which they are or may be authorized to grant in all respects whatsoever as if such Mortgage or Mortgages had not been made, so as the Rent to be reserved in respect of any Hereditaments to be comprised in any new Lease to be made on the Surrender of a former Lease be not less in Amount than the Rent which was reserved by the surrendered Lease, or (when more than One Lease shall be granted of any Hereditaments comprised in a Lease which shall have been surrendered) so as the aggregate Amount

Commissioners empowered to lease notwithstanding Mortgages.

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of Rents to be reserved by the separate Leases be not less in Amount than the Rent reserved by the Lease so surrendered.

Saving
Rights of
Distress and
Entry of
Mortgagees.

XXXV. And be it enacted, That the Person or Persons, Body or Bodies to whom any such Mortgage as aforesaid shall be granted shall (in respect of such Leases so to be granted, and during the Continuance of such Mortgage Securities) have such and the same Powers of Distress, Entry, and otherwise for the Recovery of the Rents by any such Leases so to be granted reserved, and shall have such and the same Benefit of the Covenants in such Leases to be contained and on the Part of the Lessees to be performed, as they would have had if they had been Parties to such Leases, and the Rents and Rights of Distress and Entry had been reserved to them and the Covenants entered into with them, in all respects whatsoever, but not so as to give any subsequent Mortgagee any Right or Priority over the prior Mortgagee.

Crown
Grants, &c.
to be exempt
from Stamp
Duties.

XXXVI. And be it enacted, That all Grants, Contracts, Conveyances, Leases, Mortgages, and other Deeds, Receipts, and Instruments in Writing to be made, executed, or signed by, with, or to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any of them, under the Powers and Provisions or for the Purposes of this Act or the recited Acts or any or either of them, shall be exempt from all *ad valorem* and other Stamp Duties, and shall be subject to the same Provisions and Regulations as to Enrolment and otherwise (except in so far as any such Provisions and Regulations may be varied by this Act or the recited Acts or any or either of them) as if the same had been made, executed, or signed under the Powers and Provisions of the Act now in force for the Management and Improvement of the Land Revenues of the Crown in *England*.

Agreement
between the
Commissioners
of Woods,
&c. and the
Dock Trustees
not to be
prejudiced.

XXXVII. And be it enacted, That nothing in this Act contained shall rescind, invalidate, or in any way prejudice or affect an Arrangement entered into between the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings and the Trustees of the said Docks on the Twenty-fifth Day of *May* One thousand eight hundred and fifty, (Minutes of which Arrangement were presented to the House of Commons by Her Majesty's Command on the Seventh Day of *June* One thousand eight hundred and fifty,) except in so far as the Articles of the said Arrangement or any of them are expressly varied or otherwise provided for by this Act, but all and singular the Provisions, Restrictions, and Stipulations contained in the said Minutes of Arrangement, so far as the same are not inconsistent with the Provisions of this Act, shall be observed and performed, and may at all Times hereafter be enforced in a

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Court of Equity by or at the Instance of the Parties thereto or either of them.

XXXVIII. Provided also, and be it enacted, That nothing in this Act contained shall prejudice or affect the Two several Agreements, bearing Date respectively the Sixth Day of *June* One thousand eight hundred and forty-six, and the First Day of *June* One thousand eight hundred and forty-eight, which are respectively mentioned or referred to in the fifthly herein-before recited Act, and are thereby directed to be performed and carried into execution by the Trustees of the said Docks; and that in case at any Time after the partial or complete Removal of the temporary Dam now constructed or in course of Construction across *Wallasey Pool* from the *Neff Point* to the *Eger-ton Dock* free Access for Ships and Vessels from the River *Mersey* to the Wharf and Premises of the *Seacombe Mill Company* in the said Agreements specified shall be prevented by reason or in consequence of the Works by this Act authorized, then and in such Case all such or the like Stipulations and Provisions as according to the Terms of the aforesaid Agreements, or either of them, and the said last-mentioned Act, are to be performed and carried into execution by the said Trustees shall, if rendered necessary in consequence of the Works by this Act authorized to be performed and carried into execution by the said Trustees in the same Manner and to the same Extent only as if the said Agreements respectively had been executed after the passing of this Act, and referred to the Works hereby authorized as well as to the Works authorized to be executed by the several herein-before recited Acts.

Nothing herein to affect Agreements of 6th June 1846, and 1st June 1848.

XXXIX. And be it enacted, That nothing in this Act contained shall extend or be construed to extend either to prejudice or take away or to enlarge or otherwise affect any Right, Title, or Claim which but for the passing of this Act the Owners of the Lands adjoining *Wallasey Pool* and the River *Mersey*, and all Persons having any Estate or Interest therein in possession, remainder, or reversion, might have or enjoy by virtue of the said recited Acts or any of them, to Compensation for any Injury, Loss, or Damage which they or any of them have already sustained or may hereafter sustain, or for any Deterioration which has already been or may hereafter be caused in the Value of all or any of such Lands, by reason or in consequence of the Water Frontage of such Lands being taken away, either wholly or partially, or the free Access to or from such Lands up, from, or through the said Pool or River being prevented, hindered, or obstructed, or in any Manner interrupted, by the Sea Wall and other Works by the first-recited Act authorized to be made across or along the said Pool or River, or otherwise by reason of the Exercise of any of the Powers of the said Act, but that every such Owner and Person shall be

Not to prejudice or affect Right of Land-owners adjoining the Pool or River to Compensation for the Loss of their Water Frontage and free Access to their Lands up the Pool.

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be entitled to such Compensation in as full and beneficial a Manner, to all Intents and Purposes, as if this Act had not been passed: Provided nevertheless, that in estimating the Amount of such Compensation any Improvement in Value occasioned or to be occasioned by the Works authorized by the said recited Acts or this Act to the Lands in respect of which such Compensation shall be claimed, and the Accommodation afforded to the same by means of the Road to be constructed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the Use of the Land belonging to Her Majesty, coloured Blue on the before-mentioned Plan, as a public Quay, and the Railway Communication herein-before provided, shall be taken into consideration in reduction or satisfaction, as the Case may be, of such Compensation, and the Amount of such Compensation shall be ascertained and settled accordingly, but nothing herein contained shall extend or be construed to extend to subject or make liable the Queen's Majesty, Her Heirs or Successors, or the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the Lands hereby vested in Her Majesty, Her Heirs and Successors, or any Part thereof, to the Payment of any such Compensation as aforesaid.

Birkenhead Dock Trustees not discharged from Obligation to construct Sewer for carrying off Drainage Water, &c.

XL. And whereas by the said first-recited Act the Commissioners for executing the same are required at their own Expense, by means of a Culvert or Culverts or other sufficient Means, effectually to receive, convey, and carry off from all the Land above the Line of High-water Mark of the *Cheshire* Shore of the River *Mersey*, within certain Boundaries therein referred to, and from the Messuages or Dwelling Houses and Buildings erected and to be erected thereon, all the Surface and Drainage and Refuse Water issuing therefrom in such Manner that the same may be delivered into the upper End of the open Space or Basin on the Southward Side of *Seacombe* Pier or Slip: Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to release or discharge the said Trustees of the *Birkenhead* Docks from the above-recited Obligation, but the same shall be and remain in as full Force and Effect as if this Act had not been passed.

So much of thirdly-recited Act as requires Copy of Engineer's Report to be transmitted to Commissioners of Woods, &c. repealed.

XLI. And be it enacted, That so much of the said thirdly-recited Act as requires the Trustees to transmit to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on Request made to that Effect, a Copy of the Report by the said Act required to be made from Time to Time to them by the Engineer of the Trustees, of the Progress and actual State of the Works by the said Acts authorized, shall be and the same is hereby repealed.

XLII. And

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XLII. And be it enacted, That all such Parts of the said recited Acts as require the previous Consent and Approval of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any of them, to be signified to any Act, Matter, or Thing to be done, or to any Proceedings to be taken, by the Trustees, and as require that any Act, Matter, or Thing shall be done, executed, or performed by the said Trustees under the Supervision or to the Satisfaction of Her Majesty's said Commissioners, shall be and the same are hereby declared to be repealed.

So much of recited Acts as requires the previous Consent of Commissioners of Woods, &c. to any Act of the Trustees repealed.

XLIII. Provided always, 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 *Richard Smith* Esquire, his Heirs or Assigns, as Owners of a certain Ferry between *Seacombe* and *Liverpool* called *Seacombe Ferry*.

Not to affect Rights of *R. Smith, Esq.*, as Owner of *Seacombe Ferry*.

XLIV. And be it enacted, That the said Trustees shall and they are hereby required, within the Period of Three Months from the Receipt of a Notice in Writing to that Effect from the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, under the Hand of the Secretary of the Admiralty, provide an efficient Self-registering Tide Gauge, with a Barometer, and shall always thereafter maintain the same in good Repair and working Order in a proper Part of the Docks, Wharfs, or Piers of the said Trustees, and in such Manner as the Lords of the Admiralty shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and the said Trustees shall cause the daily Working and Results of the said Tide Gauge and Barometer, and a daily Account of the State of the Wind and Weather, to be regularly and properly kept, and shall cause the full and true Results and Details thereof to be sent monthly to the Secretary of the Admiralty.

A Self-registering Tide Gauge and Barometer to be provided by the Trustees.

XLV. And be it enacted, That the said Trustees shall be liable to a Penalty not exceeding Two Pounds for every Twenty-four Hours during which the said Self-registering Tide Gauge and Barometer shall not be provided or maintained, or such Account of the Wind and Weather shall not be kept as aforesaid; and they shall be liable to a Penalty not exceeding Ten Pounds for each Month they shall neglect or refuse to send as aforesaid to the Secretary of the Admiralty a full and true Account of the daily Workings of the said Tide Gauge and Barometer, and of the daily State of the Wind and Weather.

Penalty for Noncompliance with preceding Clause.

XLVI. And be it enacted, That it shall be lawful for the said Trustees to erect and set up Two "Gridirons" for the Examination
[Local.] 16 Y and

Trustees may erect Gridirons and

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take Rates
and Charges
for their Use.

and Repair of Vessels, and to use and occupy for such Purpose a Site of Ground belonging to them adjoining the Slip-way of the *Woodside* Basin at *Birkenhead* aforesaid, and forming Part of the South-west Corner of the said Basin, and to appropriate one of such Gridirons to the exclusive Use of Coasting Vessels; and it shall be lawful for the said Trustees to demand and receive such reasonable Rates and Charges for the Use of the Gridiron which shall not be appropriated to the exclusive Use of Coasting Vessels, and for the Work, Labour, and Materials found and provided by the said Trustees in the Examination or Repair of any Vessel, as they may think fit; and the said Trustees shall have such and the same Remedies for the Collection and Recovery of such Rates and Charges as in and by the said recited Acts relating to the said *Birkenhead* Docks are given and provided for the Recovery and Collection of any of the Rates and Charges to be demanded and taken in respect of Vessels entering or using the Docks, Basins, Works, and other Conveniences of the said Trustees: Provided always, that the said Trustees shall, on the Requisition of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty for the Time being, or on the Requisition of the acting Conservator of the River *Mersey*, discontinue and remove the said Gridirons or such one of them as shall be mentioned in such Requisition; and in the meantime and until the same shall be discontinued and removed as aforesaid it shall be lawful for Vessels, though of greater Burden than Two hundred Tons, and whether Coasting Vessels or otherwise, to use the said Tidal or Coasters Basin at *Woodside*, for the Purpose of passing to or from the said Gridirons or one of them, as the Case may be, anything in this or the said recited Acts to the contrary notwithstanding.

Part of Sect.
153. of the
7 & 8 Vict.
c. 79. re-
pealed.

XLVII. And be it enacted, That so much of the said first-recited Act as enacts that it shall be lawful for the Commissioners of the *Birkenhead* Docks to demand and receive for every Vessel which shall remain in any of the Basins or Docks thereby authorized to be constructed for a longer Period than Six Months a further Sum equal to Half of the Rates which shall have been paid in respect of such Vessel, and so on for every further Period of Six Months, shall be and is hereby repealed.

Rates to be
taken for
Vessels re-
maining in
Docks.

XLVIII. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the said Trustees to demand and receive for every Vessel which shall remain in any of the Basins or Docks constructed or to be constructed under the Authority of the said recited Acts relating to the said *Birkenhead* Docks any Sum
which

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which the said Trustees may from Time to Time think fit, not exceeding the following Rates ; (that is to say,)

For every Vessel (not being a Steam Vessel) which shall enter the said Basins or Docks, and shall remain therein for a longer Period than Four Months, a further Sum not exceeding Two-pence *per* Ton for every Month, and so in proportion for any less Period than a Month during which such Vessel shall remain in the said Basins or Docks after the Expiration of the First Month in addition to the Rates which such Vessel shall be liable to pay on entering into the said Basins or Docks :

For every Steam Vessel which shall enter the said Basins or Docks, and shall remain therein for a longer Period than One Month, a further Sum not exceeding One Penny *per* Ton for every Week, and so in proportion for any less Period than a Week during which such Vessel shall remain in the said Basins or Docks after the Expiration of the said One Month, in addition to the Rates which such Vessel shall be liable to pay on entering into the said Basins or Docks :

And such Rates shall and may be recovered in the same Manner as the Rates authorized to be taken in and by the said recited Acts relating to the *Birkenhead* Docks or any of them may be collected and recovered : Provided always, that such additional Rates shall not be payable for any Vessel which shall have been prevented from leaving the Basin or Dock by an Embargo or Stress of Weather.

XLIX. And whereas it frequently happens that Steam Packets plying on the River *Mersey* and other Steam Vessels not otherwise chargeable to the Rates and Duties payable under the said Acts are whilst unemployed or undergoing Repairs laid up in the said Docks, and there is no Provision in the said recited Acts for charging such Steam Packets or Vessels any Rate, Duty, or Sum of Money for the Time of their so lying in Dock, and it is expedient that such Provision should be made: Be it therefore enacted, That from and after the passing of this Act there shall be payable and paid to the said Trustees for and in respect of every such Steam Packet or Vessel so lying in the present or any future Docks of the said Trustees as aforesaid, by the Master or Owner thereof, according to the Tonnage thereof, for the Time during which such Steam Packet or Vessel shall remain in the said Docks or Basins or any of them (except when driven into the said Docks or Basins by Storms) the Rate or Duty of Tonnage next herein-after particularly described, (that is to say,) after a Rate not exceeding One Penny *per* Ton *per* Week according to the Tonnage of every such Steam Packet or Vessel, and any fractional Part of a Week shall be reckoned as a whole Week ; and the said Trustees and their Officers and Servants shall have full Powers of measuring

Rates on
Steam
Packets, &c.
laid up in
Dock, or
undergoing
temporary
or other
Repairs.

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measuring such Steam Packets for the Purpose of ascertaining the Tonnage thereof respectively; provided that the above Rate shall not be payable in respect of any Steam Vessel built in or on the Shores of *Wallasey Pool* until such Vessel shall have been completed and left the Docks, or in respect of any Vessel whilst undergoing Repairs at any private Wharf or Ship-building Yard in *Wallasey Pool*.

Saving the Rights of the Corporation of Liverpool and Dock Trustees.

L. Provided also, and be it enacted, That nothing herein contained shall prejudice, diminish, alter, or take away any of the Rights or Privileges, or any Power of 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 Act, 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.

Expenses of Act.

LI. And be it enacted, That the Expense of preparing and applying for, obtaining, and passing this Act, or incident thereto, shall be defrayed by the Trustees out of the first Monies that shall come into their Hands after the passing of this Act.

Public Act.

LII. 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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