



An Act to authorize the Trustees of the *Liverpool* Docks to construct new Works, and to raise a further Sum of Money; and for other Purposes. [23d *July* 1855.]

WHEREAS the several Acts of Parliament following relate to the Docks and Harbour of *Liverpool*; (that is to say,) an Act passed in the Eighth Year of the Reign of Queen *Anne*, Chapter Twelve; an Act passed in the Third Year of the Reign of King *George* the First, Chapter One; an Act passed in the Eleventh Year of the Reign of King *George* the Second, Chapter Thirty-two; an Act passed in the Second Year of the Reign of King *George* the Third, Chapter Eighty-six; an Act passed in the Twenty-fifth Year of the Reign of King *George* the Third, Chapter Fifteen; an Act passed in the Thirty-ninth Year of the Reign of King *George* the Third, Chapter Fifty-nine; an Act passed in the Fifty-first Year of the Reign of King *George* the Third, Chapter One hundred and forty-three; an Act passed in the Fifty-third Year of the Reign of King *George* the Third, Chapter One hundred and fifty-six; an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, Chapter Thirty; an Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter One hundred and eighty-seven; an

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Act passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Fifty-five; another Act also passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter One hundred and fourteen; an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, Chapter Fourteen; an Act passed in the Fourth Year of the Reign of Her present Majesty Queen *Victoria*, Chapter Thirty; an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her said present Majesty, Chapter Ninety-eight; an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her said present Majesty, Chapter Eighty; an Act passed in the Eighth Year of the Reign of Her said present Majesty, Chapter Eleven; an Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said present Majesty, Chapter One hundred and nine; an Act passed in the Eleventh Year of the Reign of Her said present Majesty, Chapter Ten; and an Act passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said present Majesty, Chapter Sixty-four: And whereas the Trustees have, in pursuance of the said recited Acts, proceeded in the Construction of the various Works thereby directed to be made, but the same have not yet been fully completed: And whereas the Trustees were by the said recited Acts authorized to borrow the Sum of Five million two hundred and eighty-four thousand Pounds, and have raised and expended the whole thereof: And whereas the Trade and Commerce of the Port are rapidly increasing, and it is expedient that Dock Accommodation beyond that which the Trustees are now authorized to construct should be forthwith provided: And whereas it is expedient that for the Purposes aforesaid the Trustees should be authorized to make further Purchases of Lands, and thereupon to construct and maintain, alter, vary, extend, and enlarge any Wet Docks, Graving Docks, Basins, Cuts, Piers, Wharfs, Quays, Locks, Bridges, Tramroads, Warehouses, and other Works, and that further and additional Powers should be given to the Trustees, and that the said recited Acts should be amended, altered, and extended; but the same cannot be done without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Provisions
of recited
Acts, except
as altered,
&c., extend-
ed to this
Act.

I. The several before-mentioned Acts, and all the Powers, Provisions, Clauses, Matter, and Things therein respectively contained, except such of them as have been altered, varied, or repealed by any of the said Acts, or as may be altered, varied, or repealed by this Act, or as are inconsistent with the Provisions of this Act, shall be in full Force

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Force and Effect and shall extend and be construed to extend to this Act, and shall operate with respect to this Act, and the Objects and Purposes thereof, in the same Manner and as fully and effectually to all Intents and Purposes whatsoever, as if the same Powers, Provisions, Clauses, Matters, and Things were repeated and re-enacted in the Body of this Act, and the said several before-mentioned Acts and this Act shall be construed together as One Act.

II. It shall be lawful for the Trustees to purchase, by Compulsion or Agreement, from, and for all Owners, Lessees, and Occupiers thereof to sell for a Consideration in Money, such of the Lands described on the Plan and comprised in the Book of Reference deposited as herein-after mentioned as lie to the Southward of a Street called *Bankfield Street*, to the Westward of certain Roads respectively called *Derby Road* and *Victoria Road*, and to the Westward of another Road called *Regent Road*, and of the intended Continuation to be made by the said Trustees of such last-mentioned Road for One thousand seven hundred and sixty Yards, or thereabouts, northwardly from the present Boundary of the Dock Estate near *Bankfield Street* aforesaid to the West End of a Street called the *Strand Promenade*, as provided for and more particularly referred to and defined in an Agreement of the Thirtieth Day of *December* One thousand eight hundred and forty-eight, between the then Earl of *Derby*, the then Lord *Stanley*, and the said Trustees, and all subsisting Leases therein, and all Rents, Charges, Annuities, Mortgages, or Encumbrances affecting any of such Lands, and all other Estates or Interests in such Lands, of what Nature or Kind soever.

Power to Trustees to purchase from Owners their Interest in Land comprised in Book of Reference.

III. The Powers of the Trustees for the compulsory Purchase or taking of Land for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Powers for compulsory Purchases limited.

IV. And whereas Plans describing the Situation of the Land which the Trustees may purchase or take under the Authority of this Act, and the Site of the intended Wet Docks, and other Works, together with a Section and a Book of Reference to such Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of such Land, having been deposited with the Clerk of the Peace for the County Palatine of *Lancaster*, it shall be lawful for the Trustees, subject to the Provisions of this Act, to construct in and upon such Land, or in and upon any Part thereof, such Wet Docks and Basins, Piers, Jetties, Graving Docks, Graving Blocks, Wharfs, Quays, River Walls, Embankments, Locks, Bridges, Weirs, Sluices, Tunnels, Cuts, Channels, Warehouses, and other Works necessary to support

Power to construct additional Works, &c.

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support and complete the same, to communicate with the River *Mersey* and with the existing Docks or Basins of the Trustees or any of them according to such Form and Arrangement, and of such Dimensions, and of such Materials, and with such Conveniences, as the Trustees shall deem necessary and proper.

Errors and Omissions to be corrected by Justices, who shall certify the same.

Certificate to be deposited.

V. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description in the said Plan or Book of Reference of any of the Land which the Trustees may purchase or take under the Authority of this Act, or of the Owners, Lessees, or Occupiers of any such Land, be it enacted, That the Correction of any such Matter may be referred by the Trustees to the Determination of any Justice, and if it shall appear to such Justice that such Omission, Mis-statement, or erroneous Description arose from Mistake or erroneous Information, he shall certify the same accordingly; and he shall in such Certificate state the Particulars of such Lands so omitted or erroneously described, and the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers thereof, and in what respect any Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the County of *Lancaster*, and Copies thereof or Extracts therefrom with the Clerks of the Parishes of *Liverpool* and *Walton-on-the-Hill* and of the Church of *Saint James* in the Extra-parochial Place of *Toxteth Park*, in which respectively the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies thereof respectively, shall be kept by such Clerk of the Peace and Clerks of the Parishes and Church respectively along with the Documents to which they relate, and thereupon the said Plans and Book of Reference shall be deemed to be corrected according to such Certificate, and such Omission, Mis-statement, or erroneous Description shall not prevent or retard the Execution of this Act; and upon such Correction such Lands and every Part thereof shall and may be purchased by and sold and conveyed to the Trustees, and used and applied to and for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same or any Part thereof, or the Owner, Lessee, or Occupier thereof, had not been omitted, mis-stated, or erroneously described, anything herein contained to the contrary thereof in anywise notwithstanding.

Copies of Plans, &c. to be Evidence.

VI. True Copies of such Plans and Book of Reference, so far as the same respectively relate to the Land which the Trustees may purchase or take under the Authority of this Act, or of any Correction thereof, or Extracts therefrom, certified by such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

VII. Nothing

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VII. Nothing in this Act shall authorize the Trustees to enter upon, take, or use, either temporarily or permanently, any of the Land or Property belonging to or occupied by the *Lancashire and Yorkshire* Railway Company, either solely or jointly with the *East Lancashire* Railway Company, without the Consent in Writing of the said *Lancashire and Yorkshire* Railway Company, under their Common Seal, being first had and obtained for that Purpose.

Not to take Lands of Lancashire and Yorkshire Railway Company without Consent.

VIII. Nothing in this Act contained shall authorize the Trustees to take or use, either temporarily or permanently, any of the Land or Property now belonging to or occupied by *James Jack*, and numbered 535 on the said deposited Plan, without the Consent in Writing of the said *James Jack*, his Heirs or Assigns, for that Purpose first had and obtained.

Not to take certain Property of James Jack without Consent.

IX. And whereas Part of the Works by this Act authorized is intended to consist of Two Cuts, Entrances, or Passages crossing the present Road, called *Regent Road*, and of Two Bridges for carrying that Road over those Cuts and Entrances: Therefore it shall be lawful for the Trustees to form and construct the said Cuts and Entrances respectively across the said last-mentioned Road; and so much of the same Road as shall form Part of the said Cuts and Entrances, and the Works connected therewith, shall be vested in the Trustees for the Purposes of the said recited Acts and this Act; and the said Road shall be carried across the said Cuts or Entrances respectively by good and convenient Opening Bridges, with proper and sufficient Approaches thereto.

As to the crossing of Regent Road.

X. It shall be lawful for the Trustees to borrow, raise, and take up at Interest, on Security of the Rates and Duties payable to the Trustees under or by virtue of the said recited Acts and this Act, the Sum of Eight hundred and fifty thousand Pounds, for the Purpose of enabling them to complete the Works authorized by the said recited Acts and for the Purposes of this Act and for the general Purposes of the Trustees, in addition to and exclusive of the Sum which the Trustees are authorized to raise and take up at Interest by virtue of the said recited Acts; which said Sum, together with the Sum which the Trustees are authorized to raise and take up at Interest by virtue of the said recited Acts, shall be the Extent of the Debt authorized to be due and owing on the Security of the said Rates and Duties at any one and the same Period of Time, except in the Event in this Act afterwards mentioned; and all the Provisions in the said recited Acts contained with regard to the Monies by the said recited Acts authorized to be raised shall extend to and be applicable to the said Sum of Eight hundred and fifty thousand Pounds hereby authorized to be raised as aforesaid.

Power to borrow Money on Security of Rates.

[*Local.*]

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XI. The

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Appropriation of Money authorized to be raised.

XI. The said Sum of Eight hundred and fifty thousand Pounds by this Act authorized to be raised shall be applied exclusively towards the following Objects; (that is to say,) the Improvement of the existing Docks and Basins of the Trustees and the Completion of any Works already commenced with that Object, the Completion of the North River Wall in manner already authorized by the recited Acts, the Completion of Warehouses already commenced, and the Purchase of the Lands by this Act authorized to be purchased; but, except as aforesaid, it shall not be lawful to appropriate any Part of the said Sum of Eight hundred and fifty thousand Pounds to the Execution of any Works North of the Basin now partly constructed to the North of the *Huskisson Dock*: Provided always, that nothing herein contained shall be construed to affect the Liability of the Trustees to make the Continuation of *Regent Road* as provided by the before-mentioned Agreement of the Thirtieth Day of *December* One thousand eight hundred and forty-eight.

Money borrowed to be secured.

XII. The Money borrowed, raised, and taken up at Interest by the Trustees on Security of the Rates and Duties payable to the Trustees under or by virtue of the said recited Acts and this Act shall be secured by Bonds of the Trustees under their Common Seal.

Money may be borrowed in substitution of Sums paid off.

XIII. Provided always, That in case any Part of the Debt due on the Bonds or other Securities of the Trustees shall at any Time be called in and required to be paid off and discharged, it shall be lawful for the Trustees from Time to Time to borrow, raise, and take up at Interest, upon the Securities herein-before mentioned, any Sum in lieu or instead of such Part of the said Debt as shall have been so called in and required to be paid off and discharged, not exceeding the Amount of such Debt.

Trustees empowered to sell Land not required for Dock Purposes.

XIV. It shall be lawful for the Trustees from Time to Time, as they may think proper, to sell and absolutely dispose of, or to let or demise for any Term not exceeding Twenty-one Years, (and either at a reserved Rent, or a Fine, or both, as the Trustees shall think fit,) to any Person or Persons, any Part of the Land which may be purchased, acquired, or taken in Exchange by the Trustees under the Authority of this Act, and which may not be required for the Purposes of the said recited Acts or this Act, or which consistently with the Objects and Purposes of such Acts may be used and enjoyed by the Purchasers, Lessees, or Tenants thereof; and also from Time to Time, as the Trustees may think fit, to exchange any Part of the before-mentioned Land not required as aforesaid with any Person in lieu of other Land in the Parishes of *Liverpool* and *Walton-on-the-Hill* aforesaid, or in the Township or Extra-parochial Place of *Toxteth Park*; all which Land so purchased, acquired, or taken in Exchange by

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by the Trustees shall vest in the Trustees for the Purposes of the said recited Acts and this Act, and all the Money to arise from any such Sale, Acquisition, Exchange, Letting, or Demise shall be applied by the Trustees in like Manner and for the like Purposes as any Rates and Duties payable to the Trustees are directed to be applied.

XV. If at any Time the Trustees shall be desirous of selling any Land lying to the Northward of *Bankfield Street* and to the Westward of the intended Continuation of *Regent Road* herein-before mentioned and referred to, which may have been purchased or taken by them under the Authority of this Act from the Right Honourable the Earl of *Derby*, then and in such Case they shall, by some Writing addressed and delivered to the said Earl or his Heirs, or left at any of his or their usual Places or last usual Place of Abode in *England*, first offer to sell the same to the said Earl or his Heirs, and if he or they be desirous of purchasing such Land, then within Six Weeks after such Offer he or they shall signify in Writing his or their Desire in that Behalf to the Trustees, and if he or they decline such Offer, or if for Six Weeks after any such Offer the said Earl or his Heirs shall fail so to signify his or their Desire to accept the same, then as to the Land included in such Offer his or their Right of Pre-emption shall cease; and if the said Earl or his Heirs shall in manner aforesaid signify his or their Desire to purchase any such Land, and he or they and the Trustees cannot agree as to the Price thereof, then such Price shall be settled by Arbitration in manner provided by the said herein-before recited Act, of the Seventh and Eighth Years of the Reign of Queen *Victoria*, Chapter Eighty, as regards Disputes by that Act authorized or directed to be settled by Arbitration.

Right of
Pre-emption
for the Earl
of Derby.

XVI. It shall be lawful for the Trustees to enclose, by Walls or otherwise, all or any of the Docks, Basins, Quays, Warehouses, and other Works of the Trustees authorized to be constructed under the Authority of this Act, in such Manner as they shall deem necessary and as will tend to the better Security of Property.

Power to
Trustees to
enclose
Docks.

XVII. The Sections numbered XIV. and XV. of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Construction of Works for the Accommodation of the Officers of Customs, and also the Section of the said Act numbered XXVIII. exempting Vessels in Her Majesty's Service from Rates, shall be incorporated with and form Part of this Act.

Certain Sec-
tions of 10 &
11 Vict. c. 27.
as to Accom-
modation of
Officers of
Customs, &c.
incorporated.

XVIII. Nothing in the said Acts or this Act contained shall authorize the Trustees, or their Harbour-master or other Servants, to do or cause to be done any Act in any way repugnant to or inconsistent with

Nothing to
be done in-
consistent
with any of
the Customs
Acts, &c.

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with any Law relating to the Customs, or any Regulation of the Commissioners of Her Majesty's Customs.

Custom
House Offi-
cers to have
free Access
to Docks, &c.

XIX. It shall be lawful for all Officers of Customs, being in the Execution of their Duty, to have free Ingress and Egress into and out of any of the said Docks and Premises, and through the Gates and Entrances of the same, and also freely to pass with their Vessels and Boats through the Locks and Water Communications of the said Docks and Premises at all Times (provided the State of the Tide and Water Communications of the said Docks and Premises will admit of such passing) without Payment of any Toll or Sum for so doing.

Roads taken
may be en-
closed and
used by the
Trustees.

XX. And inasmuch as there are or may be certain Highways, Streets, Roads, or Rights of Way upon and across the Lands hereby authorized to be purchased, taken, or acquired, which Highways, Streets, Roads, or Rights of Way will become useless for the Purposes for which the same are now used when the same Lands shall have become vested in the Trustees for the Purposes of this Act, it shall be lawful for the Trustees to stop up, enclose, or use (as the Case may be) all such Highways, Streets, Ways, Roads, Passages, and Rights of Way as are situate and lie within the Limits of the Lands which shall be purchased, taken, or acquired under the Authority of this Act, and the Ground and Soil of such Highways, Streets, Ways, Roads, and Passages shall be thenceforth vested in the Trustees for the Purposes of this Act.

Trustees to
alter inter-
cepted Sew-
ers, or con-
struct new
Sewers.

XXI. And inasmuch as the Construction of the Docks and other Works authorized by this Act may interrupt the Course of the Public Sewers in and under the Streets intersected by the said Works, and which now empty themselves on the Strand of the River *Mersey*, the Trustees shall and they are hereby required to alter and divert the Course of the said Sewers, or to construct new Sewers sufficient for the Purpose of carrying off the present Sewerage Water from such intercepted Sewers into the River *Mersey*; and the Sewers so to be altered, diverted, and made by the Trustees shall be constructed and made so as effectually to drain and carry off such Sewerage Water into the said River; and as respects the Sewers in the Borough of *Liverpool*, the same shall be constructed according to Plans to be previously submitted to and approved by the said Mayor, Aldermen, and Burgesses; and the said Mayor, Alderman, and Burgesses shall have from Time to Time Liberty to carry and conduct any Sewers or Drains into the said Sewers so to be altered, diverted, and made by the Trustees.

Trustees to
reinstate

XXII. And inasmuch as the Construction of the Docks and other Works authorized by this Act may interrupt the Course of the Mains
and

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and Pipes belonging to the *Liverpool* United Gaslight Company, the Trustees, before removing or disturbing any Mains, Pipes, Plugs, or other Works of the said Company (except such Mains, Pipes, or Plugs as shall from Time to Time become unnecessary, by reason of the Construction of the Docks and other Works authorized by this Act, and which may be removed by the said Company at their Expense from Time to Time as the Trustees may direct), the Trustees shall, at their own Expense, lay good and sufficient Mains or Pipes, Syphons, Plugs, or other Works, (other than private Service Pipes,) the same to be provided by the said Company at their Expense, proper and necessary for continuing the Supply of Gas to all the Tenants of the said Company who may be entitled thereto, and for continuing the Supply of Gas on the Quays of the several Docks supplied by the said Company; and the same shall be done to the Satisfaction of the Engineer of the said Company and according to the Regulations of the Act of the said Company, and so that the Level of no Street or Road shall be changed without leaving a Covering of not less than Eighteen Inches from the Surface over such Mains and Pipes.

Pipes of the
Liverpool
United Gas-
light Com-
pany.

XXIII. And whereas the Trustees have lately purchased from the Earl of *Derby* and *Matthew Dobson Lowndes* and the Trustee of the Will of the late *George Rowe*, certain Pieces or Parcels of Land abutting on the Bank of the *Leeds and Liverpool* Canal, in the Borough of *Liverpool*, comprising in the whole about Twenty-eight thousand eight hundred and thirty-six Square Yards, and which said several Pieces or Parcels of Land were conveyed to the Trustees by Indentures severally dated the Seventh Day of *March* One thousand eight hundred and fifty-four and the Twenty-first Day of *June* One thousand eight hundred and fifty-four: Be it therefore enacted, That the said several Pieces or Parcels of Land so purchased by and conveyed to the Trustees shall be and be deemed Part of the Estate of the Trustees, and shall be subject to all the Provisions contained in the said recited Acts and this Act, and to all the Byelaws, Rules, and Regulations which have been or may be made in pursuance thereof, in the same Manner in all respects as if the said several Pieces or Parcels of Ground had been purchased by Agreement under the Powers of this Act.

Certain
Lands, &c.
already pur-
chased by the
Trustees to
be deemed
Part of their
Estate.

XXIV. If any Owner, Consignee, or other Person whatsoever, landing or causing to be landed and laid any Goods or Merchandise, Pumps, Boats, Anchors, Cables, Casks, Guns, Paving Stones, Lime Stones, Soapers Waste, Dung or Manure, or other Thing whatsoever (other than Materials for the necessary Repairs of the Docks and Piers and other Works belonging thereto) upon any of the Quays of the present or future Docks, Basins, or other Works of the Trustees,

Powers for
Trustees to
remove
Goods left on
the Quays.

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shall not wholly remove the same from off such Quays within Forty-eight Hours next after the Time on which the same shall have been so landed or laid, or if any Person shall, contrary to the true Intent and Meaning of the said recited Acts or this Act, or any Byelaw, Rule, or Regulation in pursuance thereof, suffer any Goods to remain on any Quay, Wharf, or Pier belonging to the Trustees, so as to cause an Obstruction for a longer Period than shall be necessary for the removing thereof, then and in any of such Cases it shall be lawful for the Trustees or any of their Officers to seize and detain all or any such Goods, Wares, or Merchandise, or other Things, and to remove the same to some Warehouse of the Trustees or any other Place of Safety, but that nothing herein contained shall excuse such Person or Persons from the Penalty or Penalties incurred under the Provisions of the said recited Acts of the Fifty-first Year of King *George* the Third, Section Ninety-two, and of the Eleventh Year of Her present Majesty, Section Fifty-two, or of any such Byelaw, Rule, or Regulation as aforesaid; and that it shall be lawful for the Trustees or any of their Officers to keep and retain the said Goods, Wares, or Merchandise, or other Things, until the Charges of seizing, taking and removing, detaining, warehousing and storing the same shall have been paid to the Trustees; and in case such Charges shall not be paid to the Trustees or their Officers within Ten Days after the Removal of such Goods, Wares, or Merchandise, it shall be lawful for the Trustees and their Officers, so soon as may be convenient thereafter, to cause the same Goods, Wares, or Merchandise to be sold by Public Auction, and out of the Proceeds of such Sale, after paying all Charges of advertising the said Goods, Wares, or Merchandise for Sale and selling the same, to retain the said Charges of seizing, taking, removing, keeping, detaining, warehousing, and storing as aforesaid, and also the Freight of such Goods, Wares, or Merchandise, or any Part thereof, in case Notice to detain the same for the Payment of such Freight shall have been served upon them, rendering the Overplus (if any) to the Owner, Importer, Exporter, or Consignee of the same Goods, Wares, or Merchandise; and in case any Person shall wilfully obstruct or hinder any Officer of the Trustees in the Seizure or Removal of such Goods, Wares, or Merchandise, every such Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds: Provided always, that nothing in this present Section contained shall extend to Timber or Wood Goods, with reference to which special Provisions of a similar Character have been already made by the said recited Acts.

Power to run
Docks dry
for the Pur-
pose of Re-
pairs, &c.,
and remove

XXV. Whenever, for the Purpose of repairing or cleansing any of the present or future Docks of the Trustees, or for any other Purpose, it shall be deemed necessary to let any of the said Docks run dry, it shall be lawful for the Trustees so to do; and if they shall think proper

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proper they are hereby empowered to remove out of the said Docks into any other Dock any Vessel then lying therein, and whether she shall have then discharged the whole of her Cargo or not, or to give reasonable Notice to the Master, Owner, or Consignee of such Vessel to remove the same out of the said Dock, by leaving such Notice on board of the said Vessel, and whether there shall then be any Person in charge or on board thereof or not; and in case the said Vessel shall not be removed after such Notice the Trustees shall not be responsible for any Damage caused to the said Vessel, or any Cargo therein, by reason of their letting the Dock in which such Vessel shall be lying run dry as aforesaid; and in case, after such Notice as aforesaid, the said Vessel shall not be removed, and the Trustees shall cause such Vessel to be removed, then the Master, Owner, or Consignee thereof shall be liable to pay to the Trustees the Costs and Charges of and attending such Removal.

Vessels lying therein.

XXVI. Every Vessel lying within any Dock, Graving Dock, or Basin of the Trustees shall at all Times have such a Quantity of Ballast or Cargo on board the same as may be necessary to enable such Vessel to be forthwith removed with Safety, either from Place to Place within any such Dock, Graving Dock, or Basin, or from one Dock into another Dock, whenever for the Despatch of Business, or in case of Accident from Fire or otherwise, or for any other Cause or Purpose in the Judgment of any Harbour-master or Dock-master of such Dock it may be necessary so to remove the same as aforesaid; and in case of any Neglect or Omission so to keep such Quantity of Ballast or Cargo on board, the Owner, Consignee, or Master of any such Vessel shall forfeit and pay a Sum not exceeding Fifty Pounds, to be recovered in the same Manner as other Penalties are recoverable under the Powers of this Act.

Vessels to be always kept so loaded with Ballast or otherwise as to be safely removed.

XXVII. Any Harbour-master for the Time being of the Trustees, and the respective Dock-masters of the said Docks, or their Assistants, shall have full Power and Authority to direct the mooring, unmooring, moving, or removing from one Part of a Dock to another Part of the same Dock or to another Dock of the Trustees, all Vessels coming into, lying, or being in or on the said Docks or Basins, Graving Docks, Graving Blocks, or any of them, and their Position, loading, and discharging therein; and in case the Owner, Master, Pilot, Servant, or other Person having the Care or Command of any such Vessel shall refuse or neglect to moor, unmoor, move, or remove the same according to such Direction as aforesaid, or in case there shall be no Person on board or in charge of the said Vessel when it becomes necessary to moor, unmoor, move, or remove the same as aforesaid, then it shall be lawful for such respective Harbour-masters or Dock-masters, or their Assistants, and they are hereby empowered, to

For facilitating the working of the Docks.

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to moor, unmoor, move, or remove such Vessel as aforesaid; and every such Owner, Master, Commander, Mate, Pilot, or other Person or Persons having the Command, Care, or Charge of any Vessel so refusing or neglecting to moor, unmoor, move, or remove any Vessel when directed so to do as aforesaid, or obstructing or hindering any Harbour-master or Dock-master or his Assistants in the mooring, unmooring, moving, or removing any Vessel as aforesaid, shall in every such Case forfeit a Sum not exceeding Ten Pounds, and shall further in that Case, and also in the Case where there shall be no Person on board or in charge of the Vessel when it becomes necessary to moor, unmoor, move, or remove the same as aforesaid, forfeit and be liable to pay the Costs, and Charges which may be incurred by such Harbour-masters or Dock-masters or their Assistants in the mooring, unmooring, moving, or removing any such Vessel as aforesaid, to be recovered in like Manner as any of the Penalties are by this Act or the said recited Acts directed to be recovered: Provided always, that nothing herein contained shall authorize any Dock-master to cause any Vessel to be removed from one Dock to another Dock, except with the Sanction and under the Instructions of One of the Harbour-masters.

Vessels in respect of which Tonnage Dues shall be unpaid may be detained.

XXVIII. When any of the several Rates or Duties of Tonnage, or Graving Dock or Graving Block Dues, by the said recited Acts or any of them or by this Act imposed, shall remain unpaid in respect of any Vessel liable thereto, it shall be lawful for the Trustees to cause such Vessel to be detained until such Dues shall be paid.

Vessels damaging Works may be detained until Damage paid for or a Deposit made.

XXIX. In every Case in which any Damage shall be done to any Lock, Gate, Bridge, Pier, Landing Stage, Jetty, Platform, Quay, Wharf, Warehouse, Shed, Graving Dock, Graving Block, Building, or other Work belonging to the Trustees, by any Vessel, through the Misconduct, Negligence, or Default of the Master or any other Person on board thereof, it shall be lawful for the Trustees to cause such Vessel to be detained until such Damage shall have been paid for or a Deposit shall have been made by the Master of such Vessel equal in Amount to the Claim or Demand made by the Trustees for the estimated Amount of Damage so done by such Vessel, which Deposit the Trustees are hereby authorized to receive and to retain until the entire Amount of such Damage shall have been ascertained by the Trustees and paid to them by the Master of such Vessel, when the said Deposit shall be returned by them to such Master: Provided always, that every such Deposit shall be considered and taken to be so deposited in Payment and Satisfaction of the Claim or Demand for Damage in respect of which such Deposit shall have been made as aforesaid, unless Notice that the Claim is disputed be given to the Trustees within Seven Days after such Deposit shall be made; and

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and after the Expiration of Seven Days next after such Deposit shall have been so made as aforesaid, (unless in the meantime Notice that the Claim is disputed shall be given to the Trustees as aforesaid,) the Trustees shall and they are hereby authorized, unless the Amount of Damage done by such Vessel shall have been sooner paid and satisfied, to apply such Deposit, or so much thereof as shall be necessary for that Purpose, in making good such Damage, and shall return the Residue or Surplus of such Deposit (if any) to the said Master or to any Person authorized by him to receive the same.

XXX. The Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Sections of "*The Liverpool Dock Act, 1851*," shall extend not only to Claims or Liens for Freight, but also to all other Claims or Liens whatsoever to which the Goods were subject and liable whilst the same were on board any Ship, and before the warehousing thereof, as in the said Act mentioned.

Power to hold Goods subject to all Liens of Shipowner thereon.

XXXI. The Occupancy by the Trustees of all or any of the Warehouses to be completed under the Provisions of this Act shall be subject to the Payment of all Parochial and other Local Taxes now levied and hereafter to be levied in the Parish of *Liverpool*, or other the Parish, Township, or Place in which such Warehouses may be situate, in like Manner as the same are or would be payable in respect of Warehouses the Occupancy of which is beneficial.

Warehouses to be subject to Parochial Rates.

XXXII. Every Person who shall assault or resist, obstruct or impede, any Harbour-master or Dock-master of the Trustees in the Execution of his Duty, or disobey the lawful Orders of such Harbour-master or Dock-master, or use abusive or offensive Language to such Harbour-master or Dock-master, or who shall aid or incite any Person so to assault or resist, obstruct or impede, such Harbour-master or Dock-master, or to disobey such Orders, or use such Language as aforesaid, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

For Protection of Harbour and Dock-masters in discharge of their Duties.

XXXIII. And whereas by the said recited Acts of the Fifty-first Year of King *George* the Third, Section Twenty-one, and Fifty-third Year of King *George* the Third, Section Fifteen, certain Penalties are inflicted on the Masters, Owners, or other Persons having the Command of Ships or Vessels, and on the Owners, Consignees, or other Persons owning or having the Charge of any Goods, Wares, or Merchandise imported into or exported out of the Port of *Liverpool*, for eluding or evading the Payment of the Rates and Duties thereby made payable to the Trustees, or any Part thereof: And whereas Doubts have arisen as to what, by Law, constitutes the Offence of so eluding or evading such Rates and Duties, and as to the Parties by

For facilitating Collection of Dues, and preventing Evasion.

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Law

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Law punishable for the same, and it is expedient that such Doubts should be removed, and that the said Acts should be rendered more effectual for the Prevention of such Offence: And whereas, by the said recited Act of the Sixth Year of King *George* the Fourth, Section One hundred and nine, certain Facilities were given to the Trustees in the Collection of their Rates and Duties, by empowering the Officers of Customs to refuse certain Entries of Vessels and Goods therein mentioned, until certified that the Rates and Duties due to the Trustees had been paid, and so long as the Goods and Merchandise principally imported into and exported from *Liverpool* continued liable to Duties of Customs, the said last-recited Section, without imposing any Burthen on the Customs Authorities, effectually prevented the Evasion of Rates and Duties payable to the Trustees, but in consequence of the Remission in late Years of Customs Duties on many Descriptions of Goods imported and exported, such Means of securing Payment of the said Rates and Duties became greatly impaired, and the same Rates and Duties were evaded to a very considerable Extent, to the great Injury not only of the Revenue of the Trustees, (which is solely applicable to public Purposes,) but also of all Persons who did actually pay such Rates and Duties: And whereas in order in part to prevent such Evasion, it was by "The Customs Consolidation Act, 1853," Sections Sixty and One hundred and twenty-five, provided that at *Liverpool* all Persons concerned as therein mentioned in the Management of the importing and exporting Ships should, as respected all Goods not chargeable with Duties of Customs, deliver to the Collector of the Customs, within Fourteen Days next after the Discharge Inwards and the Clearance Outwards of such Vessels, correct Lists or Manifests, or Transcripts of Manifests, of all such Goods, under certain Penalties thereby imposed: And whereas it is expedient that more effectual Provisions should be made for facilitating the Collection of the said Rates and Duties: Therefore, so much of the said recited Sections numbered Sixty and One hundred and twenty-five in the Queen's Printers Copies of the said "Customs Consolidation Act, 1853," as were thereby especially made applicable to *Liverpool*, are hereby repealed, and henceforth at *Liverpool* the Owner, Master, or Consignee of every importing Ship, or his Agent, shall sign and leave at the Dock Office in *Liverpool*, within Fourteen Days next after the final Discharge of all Goods or Merchandise so imported by such Ship, a full and accurate List thereof, stating the Quantities and distinguishing the nett Weight and Contents of such Goods, and the Names of the Consignees (according to the Bills of Lading) or the Names of the Persons actually paying the Freight for the same; and on Failure to leave such List, such Owner, Master, Consignee, or Agent shall forfeit the Sum of Twenty Pounds; and the Owner, Charterer, Broker, Agent, or other Person acting at *Liverpool* in the loading and Clearance of every exporting Ship, shall also

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also prepare a full and accurate List or Manifest of all Goods so exported by such Ship from the Bills of Lading and Freight List thereof, and shall sign and leave at the Dock Office in *Liverpool*, within Fourteen Days after such Ship shall have cleared Outwards, a correct Transcript of such last-mentioned List or Manifest, distinguishing therein the Names of the several Shippers of such Goods according to the Bills of Lading; and on Failure to prepare such last-mentioned List or Manifest, and to sign and deliver such Transcript as aforesaid, such Owner, Charterer, Consignee, Broker, or other Person as aforesaid, shall forfeit the Sum of Twenty Pounds; and the Penalties imposed by the said recited Acts of the Fifty-first Year of King *George* the Third and Fifty-third Year of King *George* the Third, for eluding and evading Payment of the said Rates and Duties, shall extend to any Neglect or Omission whatsoever to pay such Rates and Duties; and such Penalties, as well as the Penalties herein-before imposed for not making out and leaving such Lists or Manifests, or Transcripts, as aforesaid, shall extend as well to the Principals in any House of Business at *Liverpool* by whom or on whose Account or for whose Profit or Advantage such Payment shall have been eluded, evaded, neglected, or omitted to be made, or by whom such Lists, Manifests, and Transcripts shall have been omitted to be made, signed, deposited, and left as aforesaid, as to any Clerks or Servants of such Principals employed or acting therein; and all such the Penalties in this present Section referred to shall or may be sued for, prosecuted, and recovered before One or more of Her Majesty's Justices of the Peace in the same Manner as Penalties for any Offence against any of the said recited Acts are now or by this Act are directed to be recoverable; and that when any Person shall or may be convicted in any of the Penalties in this present Section mentioned or referred to, it shall be lawful for the Justice or Justices before whom such Conviction shall take place to mitigate such Penalties at his or their Discretion, if he or they shall be of opinion that the same respectively were not incurred negligently, wilfully, or fraudulently; and such Justice or Justices, on the hearing of any Complaint or Information for the Recovery of such Penalties or any of them, shall have Power, and he and they is and are hereby authorized, to call for the Production before him or them of any Cargo Book or Books, Bill or Bills of Lading, or Duplicates or Copies thereof, or other Books, Accounts, or Documents in the Custody or Power or under the Control of the Person against whom such Complaint is preferred or such Information laid, containing any Entry or Particulars of or referring or relating to the Cargo of the Ship or Vessel mentioned in such Complaint or Information, or any Part thereof.

XXXIV. All Offences and all other Matters cognizable by Her Majesty's Justices of the Peace of the Borough of *Liverpool* or the Court of Quarter Sessions of the Borough, by Common Law or by Statute, The Jurisdiction of Justices extended over the Docks.

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Statute, or by or under the said recited Acts or this Act, if committed upon the Land which may be purchased, taken, or acquired by the Trustees under the Authority of this Act, may be heard, adjudged, and determined by the Justices or the Court of Quarter Sessions of the Borough respectively, in as full and ample a Manner as if the same had been committed or had arisen within any Part of the Borough of *Liverpool*; and all the Powers and Provisions in the said recited Acts or this Act contained, in relation to Offences and other Matters aforesaid in the Borough of *Liverpool*, shall extend, and be deemed, taken, and construed to extend, to the Land which may be purchased, taken, or acquired by the Trustees under the Authority of this Act, and to the Docks, Basins, Quays, or other Works to be constructed thereon: Provided that nothing herein contained shall vary, alter, diminish, or exclude the Power or Jurisdiction of the Justices of the Peace of the said County of *Lancaster* in, over, or upon the said Land, Docks, Basins, Quays, or other Works, anything herein contained to the contrary thereof in anywise notwithstanding.

Offences to be heard and Penalties recovered as under former Acts.

XXXV. All Offences, Matters, or Things committed or done contrary to the Provisions of the said recited Acts or this Act, or of any Byelaw, Rule, or Order made or to be made in pursuance thereof respectively, shall be heard and determined before the same Justice or Justices of the Peace, and all Penalties and Forfeitures inflicted or imposed in respect of such Offences, Matters, or Things shall be recovered by the same Ways or Means, and in the same Manner in all respects, and be subject to the same Right of Appeal, as by the said recited Acts are directed or provided in relation to Offences, Matters, and Things contrary to the said recited Acts, and in relation to Penalties and Forfeitures to be recovered under or by virtue of the said recited Acts and this Act.

Certain Provisions of 8 & 9 Vict. c. 18. not to be incorporated with this Act.

XXXVI. The Provisions of "The Lands Clauses Consolidation Act, 1845," except so far as expressed in the said recited Act passed in the Session held in the Ninth and Tenth Years of the Reign of Her present Majesty, shall not be incorporated with or form Part of this Act.

Saving the Jurisdiction of the Corporation.

XXXVII. Nothing in this Act contained shall extend or be construed to extend or take away, alter, abridge, lessen, or change, or intrude upon any Power, Jurisdiction, or Authority of the Mayor, Aldermen, and Burgesses of *Liverpool*.

Application to be made to Parliament in the next Session

XXXVIII. Whereas a Bill is now pending in Parliament having for its Object (amongst other things) the Sale of the *Birkenhead* Docks to the said Mayor, Aldermen, and Burgesses of *Liverpool* on certain Terms and Conditions therein set forth: And whereas it is expedient, after

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after such Sale shall have been perfected, that the said *Birkenhead* Docks should be transferred to the Trustees of the *Liverpool* Docks, and should, with as little Delay as possible, be constructed and completed in such Manner as may render them most available for the commercial Purposes of the Port of *Liverpool* in connexion with the *Liverpool* Docks, and that the same Rates, Dues, and Charges should be levied in respect of the *Birkenhead* Docks as are now or may hereafter be levied in respect of the *Liverpool* Docks, and that all the said Docks should be placed permanently under the same Control and Management, and be consolidated with and become Part of the existing Estate of the *Liverpool* Docks: Be it therefore enacted, That the Trustees shall, and they are hereby required, either alone or conjointly with the Corporation of *Liverpool*, to prosecute a Bill in Parliament in the next Session for obtaining the requisite Powers for accomplishing and giving full Effect to the several Objects aforesaid.

for giving
effect to cer-
tain Objects
herein
named.

XXXIX. Nothing in this Act shall exempt the Trustees or their Undertaking from the Provisions of "The Merchant Shipping Law Amendment Act, 1853," or "The Merchant Shipping Act, 1854," so far as the same are respectively applicable thereto, or from the Provisions of any General Act relating to Docks, Harbours, or Dues on Shipping or on Goods carried in Ships, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the Dues or Tolls authorized by the said recited Acts relating to the said Undertaking or any of them.

Trustees, &c.
not exempt
from Pro-
visions
of present
and future
General Acts.

XL. Saving always and reserving to the Queen's most Excellent Majesty, and Her Heirs and Successors, in right of Her Duchy and County Palatine of *Lancaster*, and also to the said Mayor, Aldermen, and Burgesses, and to all Lords and Ladies of Manors, and to the Earl of *Derby*, his Heirs and Assigns, and to the Devisees in trust of the late Duke of *Bridgewater* and their Heirs and Assigns, and to the Master, Wardens, and Assistants of the *Trinity House of Deptford Strond*, and to the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, and to the Proprietors of the *Mersey and Irwell* Navigation and of the River *Weaver*, and to the Proprietors of *Sankey Brook* Navigation, and to the *Ellesmere and Chester* Canal, and to all Owners of ancient Ferries on the River *Mersey*, and to all other Bodies Politic and Corporate and other Person and Persons, all their several and respective Rights and Interests, in as full and ample a Manner as they or any of them could or might have held or enjoyed the same if this Act had not been passed, except so far as by this Act is enacted and declared.

General
Saving.

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Expenses of
Act.

XLI. Out of the first Monies to be received or raised by the Trustees in pursuance or under the Authority of the said recited Acts or this Act, the Trustees shall in the first place pay and discharge all Costs, Charges, and Expenses incurred in applying for, obtaining, and passing this Act, and repay all Monies advanced by any Person for such Purpose.

Short Title.

XLII. In citing this Act in other Acts of Parliament, and in all legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Liverpool Dock Act, 1855.*"

Commence-
ment of Act.

XLIII. This Act shall commence and come into operation on the Second *Thursday* after the passing thereof.

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