



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. clxii.

An Act for consolidating the Docks at *Liverpool* and *Birkenhead* into One Estate, and for vesting the Control and Management of them in One Public Trust; and for other Purposes.

[25th August 1857.]

**W**HEREAS by an Act passed in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, Chapter One hundred and forty-three, the Mayor, Aldermen, Bailiffs, and Common Council of the Borough of *Liverpool* were formed into a Body Corporate, and the Docks at *Liverpool* were vested in them, under the Style of "the Trustees of the *Liverpool* Docks," and the Mayor, Aldermen, and Burgesses of the said Borough are now the Trustees of the said Docks, but the Management of such Docks is, by an Act passed in the Fifteenth Year of the Reign of Her present Majesty, Chapter Sixty-four, vested in a Body called "the Committee for the Affairs of the Estate of the Trustees of the *Liverpool* Docks," and herein-after called "the *Liverpool* Dock Committee," consisting of Twenty-four Members, of whom Twelve are nominated by the Council of the Borough of *Liverpool*, and Twelve are elected by the Dock Ratepayers; And whereas the

*Liverpool*  
*Docks.*

51 G. 3.  
c. cxliii.

14 & 15 Vict.  
c. lxiv.

[*Local.*]

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several

*The Mersey Docks and Harbour Act, 1857.*

*Birkenhead  
Docks.*  
7 & 8 Vict.  
c. lxxix.

8 & 9 Vict.  
c. lx.

11 & 12 Vict.  
c. cxliv.

several Acts comprised in the First Part of the Schedule hereunto annexed have been passed in relation to the said Docks: And whereas the said Trustees levy Dues on all Vessels, and Goods carried in Vessels, that enter or use any Dock or Work belonging to them, or that take in, tranship, or discharge their Cargoes, or any Part thereof, within High-water Mark, to Seaward of a Line drawn across the River *Mersey* from the Southern Extremity of the Township of *Garston* to the Southern Extremity of the Township of *Eastham*, and the Dues so received are expended exclusively in the Maintenance and Management of the said Docks and the Port of *Liverpool*: And whereas the said Trustees levy on all Vessels entering the Port of *Liverpool*, except Vessels driven in by Stress of Weather, certain Harbour and Light Dues for the Maintenance of the Buoys, Landmarks, and Telegraphs within the Port of *Liverpool*, and the Expense of Lights and Life Boats, and the Expenses of the Office of the Marine Surveyor of the said Trustees, and towards the Improvement of the Port of *Liverpool* in any other respect, except the Construction and Maintenance of the *Liverpool* Docks, and the Trustees expend such last-mentioned Dues for the Purposes in respect of which the same are levied: And whereas the Corporation of *Liverpool* levy on all Goods imported into and exported from the Port of *Liverpool*, not being the Property of Freemen of *Liverpool* or of resident Freemen of *London*, *Bristol*, *Waterford*, or *Wexford*, divers Dues, called Town Dues, amounting to a very large Amount in the whole, and likewise levy, under the Name of Anchorage Dues, divers other Dues on all Ships entering the Port of *Liverpool*: And whereas the said Town and Anchorage Dues are carried to the Account of the Borough Fund of the Borough of *Liverpool*: And whereas by an Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Seventy-nine, and herein-after called "The *Birkenhead* Dock Act, 1844," certain Commissioners, herein-after called "the *Birkenhead* Dock Commissioners," were appointed, with Powers to construct and maintain Tidal Basins and a Dock at *Birkenhead* in the County of *Chester*, and the several Acts comprised in the Second Part of the Schedule hereunto annexed have been passed in relation to the Undertaking so authorized: And whereas by an Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Sixty, a Company called "the *Birkenhead* Dock Company" was incorporated, with Powers to make and maintain Docks and other Works at *Birkenhead* aforesaid, adjoining the Works proposed to be constructed by "the *Birkenhead* Dock Commissioners," and the several Acts comprised in the Third Part of the Schedule hereunto annexed have been passed in relation to the said Company: And whereas by the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and forty-four, comprised in the Second Part of the said Schedule,

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Schedule, all the Powers of the *Birkenhead* Dock Commissioners were transferred to a Body Corporate called "the Trustees of the *Birkenhead* Docks:" And whereas by an Agreement bearing Date the Sixteenth day of *May* One thousand eight hundred and fifty-five, and made between the Trustees of the *Birkenhead* Docks, the *Birkenhead* Dock Company, and the Corporation of *Liverpool*, it was agreed that all the Property, as therein described, of the Trustees of the *Birkenhead* Docks and of the *Birkenhead* Dock Company should, subject to any Liabilities affecting the same, be purchased by and transferred to and vested in the Corporation of *Liverpool* for the Consideration therein mentioned: And whereas by "The *Birkenhead* Docks Act, 1855," the said Agreement was confirmed, and it was enacted, that all the Property of the Trustees of the *Birkenhead* Docks and of the *Birkenhead* Dock Company, as therein described, and their Powers in relation thereto, should, subject to the Liabilities affecting the same vest in the Corporation of *Liverpool*, upon the Delivery by the Corporation to the *Birkenhead* Dock Trustees and *Birkenhead* Dock Company respectively of Bonds representing in the aggregate the Sum of One million one hundred and forty-three thousand Pounds, which Bonds have been delivered accordingly, and the said Property and Powers are now vested in the said Corporation, who have expended further considerable Sums in relation thereto: And whereas the said Corporation have erected an Observatory at *Liverpool*, and have partially constructed a Landing Stage at *Liverpool* for Sea-going Steamers: And whereas the said Corporation, under an Act of the Tenth *George* the Fourth, Chapter Sixteen, herein called "The *Wallasey* Embankment Act," appoint certain of the Commissioners for executing the said Act, and are liable to contribute out of their Corporate Funds annually towards the Maintenance and Repair of the *Wallasey* or *Leasowes* Embankment: And whereas by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Seventy-three, the Appointment and Superintendence of Pilots for the Port of *Liverpool* is vested in a Body of Commissioners, herein-after called "the *Liverpool* Pilotage Commissioners:" And whereas under the Provisions of an Act passed in the Sixth Year of the Reign of Her present Majesty, Chapter One hundred and ten, (herein-after called "The *Mersey* Conservancy Act,") and of an Act passed in the Fifteenth Year of the Reign of Her present Majesty Chapter Forty-two, the Conservancy of the River *Mersey*, and of the Banks and Shores thereof, from *Warrington* and *Frodsham* Bridges to the Sea, is vested in certain Commissioners (herein-after called "the Conservancy Commissioners"), and the said Corporation contribute out of their Corporate Funds to the Conservancy Fund provided by the said *Mersey* Conservancy Act: And whereas, by Custom, the Corporation of *Liverpool* are or claim to be entitled to appoint a Water Bailiff, and to remove sunken Vessels and other

18 & 19 Vict.  
c. clxxi.*Pilotage and  
Conservancy  
of Mersey.*5 G. 4.  
c. lxxiii.5 & 6 Vict.  
c. cx.

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other Impediments to the Navigation of the *Mersey*: And whereas it is expedient that the Constitution of the *Liverpool* Dock Trust should be altered, and that the Docks of *Liverpool* and *Birkenhead*, and the Powers in relation thereto of the Trustees of the *Liverpool* Docks, and of the Corporation, and the *North Reserve* near *Birkenhead*, and the Observatory and Landing Stage belonging to the said Corporation, and the Control over Pilotage, Harbour Lights, and other Matters conducive to the Safety or Convenience of the Shipping frequenting the Port of *Liverpool*, should, subject to the Provisions of the said *Mersey* Conservancy Act and of this Act, be vested in a new Trust, and that the Rights now lawfully exercised by the Trustees of the *Liverpool* Docks, and by the Corporation, of levying Rates and Dues on Shipping frequenting the Port of *Liverpool*, or on Goods carried in such Shipping, should be transferred to the new Trust, upon such Terms and for such Consideration as are herein-after mentioned, and that the Proceeds of such Rates and Dues should be applied to the Benefit of the Port of *Liverpool*, and of the Shipping and Trade of the said Port: And whereas the Corporation of *Liverpool* have agreed to transfer their Property and Rights aforesaid upon the Terms and for the Consideration by this Act provided: And whereas it is expedient that Docks and Works at *Birkenhead* should be completed as expeditiously as possible: 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,)

*Preliminary.*

Definition of  
Docks.

I. Unless there be something in the Context repugnant to such Construction, the Word "Docks" in this Act shall mean and include Basins, Docks, Piers, Jetties, Graving Docks, Gridirons, Wharves, Quays, Landing Stages, Slips, Stairs, River Walls, Dams, Embankments, Locks, Gates, Bridges, Weirs, Sluices, Tunnels, Cuts, Channels, Roads, Railways, Tramroads, Warehouses, Sheds, Buildings, Cranes, Engines, Machinery, and other Works, Matters, and Things affixed or appertaining to such Basins and Docks, or necessary to the maintaining or working thereof.

Definition of  
Corporation.

II. The Words "the Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*.

Definition of  
Rates.

III. The Word "Rates" shall include any Dock Rates, Town Dues, or other Rates or Dues payable to "the *Mersey* Docks and Harbour Board" constituted by this Act.

IV. This

*The Mersey Docks and Harbour Act, 1857.*

IV. This Act may be cited for all Purposes as "The *Mersey* Short Title. Docks and Harbour Act, 1857."

## SUPERINTENDING BOARD.

*Constitution of Board.*

V. The Duty of carrying into effect the Provisions of this Act, shall be vested in a Board, to be called "the *Mersey* Docks and Harbour Board," and such Board, herein-after referred to as "the Board," shall be a Body Corporate, with a perpetual Succession and a Common Seal, having a Capacity to hold Lands, subject to the Provisions of this Act.

Constitution of Board to be called "the *Mersey* Docks and Harbour Board."

VI. The Board shall consist of Twenty-one Members, of whom Eighteen, herein-after called "the Elective Members," shall be elected in manner herein-after mentioned; and Three, herein-after called "Nominee Members," shall be appointed by the Conservancy Commissioners.

Constitution of Board.

VII. The First Members of the Board, herein-after called "the Provisional Board," shall be elected and appointed on the First Day of *January* One thousand eight hundred and fifty-eight, and shall vacate their Offices on the First Day of *January* One thousand eight hundred and fifty-nine, or if the Election of the Members then required to be elected is not completed on that Day, then on the earliest Day thereafter on which such Election may be completed.

Appointment of First Board.

VIII. The Elective Members of the Provisional Board shall be chosen by the Dock Ratepayers for the Time being, qualified in pursuance of the said Act of the Fifteenth Year of the Reign of Her present Majesty, Chapter Sixty-four, to vote for the Twelve Members of "the Committee for the Affairs of the Estate of the Trustees of the *Liverpool* Docks," by the said Act directed to be appointed by Dock Ratepayers.

Elective Members of Provisional Board, by whom chosen.

IX. Any Returning Officer appointed by the Conservancy Commissioners shall have Power to inspect and take Copies of the Register of Dock Ratepayers, made in pursuance of the said Act of the Fifteenth Year of the Reign of Her present Majesty; and if any Officer having the Custody of such Register neglects or refuses to allow such Inspection, or Copies to be made, he shall incur a Penalty not exceeding Twenty Pounds for every Day during which such Neglect or Refusal continues.

Inspection of Registry of Dock Ratepayers.

X. The Election of the Elective Members of the Provisional Board shall be conducted by such Returning Officer, and in such Manner as the Conservancy Commissioners may direct.

Manner of Election of Elective Members.

[*Local.*]

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XI. No

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Qualification  
of Elective  
Members of  
Board.

XI. No Person shall be qualified to be an Elective Member of the Board unless he reside within the Borough or the Customs Port of *Liverpool*, or within Ten Miles of the outward Boundary of the said Borough or Port, and has paid, within the Year immediately preceding his Election, in the Case of a Member of the Provisional Board, Dock Rates to an Amount of not less than Fifty Pounds, and in the Case of a Member of any subsequent Board, Rates as defined by this Act to an Amount of not less than Fifty Pounds.

*Disqualification of Members.*

Disqualifica-  
tion of Mem-  
bers of the  
Board.

XII. If any Member of the Board—

- (1.) Holds any Office or Place of Profit under the Board ; or
- (2.) Participates in the Profits of any Work done by the Order of the Board ; or
- (3.) Is concerned in or participates in the Profits of any Contract entered into by the Board ;

Such Person shall cease to be a Member of the Board, and his Office shall thereupon become vacant, subject to the Exceptions following ; (that is to say,)

- (1.) No Member of the Board shall vacate his Office by reason of his being a Shareholder in any Company supplying Water or Gas by Order of the Board :
- (2.) No Member of the Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands or any Loan of Money to the Board :

Nevertheless, no Member of the Board shall be entitled to vote in respect of any Supply of Water or Gas by any Company in which he is a Shareholder, or in respect of any Question connected therewith, or in respect of any such Sale, Lease, or Loan, as lastly herein-before mentioned, and if he does so vote, his Vote shall not be counted, and he shall incur a Penalty not exceeding Twenty Pounds.

*Proceedings of Board.*

Rules with  
respect to  
Proceedings  
of Board.

XIII. The following Rules shall be observed with respect to the Proceedings of the Board :

- (1.) During any Vacancy in the Board the continuing Members may act as if no Vacancy had occurred :
- (2.) The Board shall meet together for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Conditions :

(a.) A Meeting shall be held once at least in every Week :

(b.) No

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- (b.) No Business shall be transacted at any Meeting unless at least Three Members are present at the Commencement and Close of such Business :
- (c.) No Purchase of Land shall be made by the Board unless at the least One Month's previous Notice, specifying the Situation and Quantity of Land proposed to be purchased, and naming a Day on which a Meeting of the Board is to be held for considering such Purchase, has been sent by Circular to each Member of the Board, nor unless at the Meeting so held the whole or a Majority of the Members present (such whole or Majority to consist of not less than Seven Persons) vote in favour of the Purchase :
- (d.) All Questions shall be decided by a Majority of Votes of the Members present :
- (e.) The Names of the Members present, as well as of those voting upon each Question, shall be recorded :
- (3.) The Board shall at their First Meeting, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Board, as herein-after mentioned, appoint One of their Number to be Chairman for the Year following such Choice, but any Chairman on vacating his Office shall, if qualified to continue as a Member of the Board, be re-eligible :
- (4.) If any casual Vacancy occurs in the Office of Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy ; and every such Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened :
- (5.) If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting :
- (6.) In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a casting Vote :
- (7.) The Board may delegate any of their Powers to Committees, consisting of such Member or Members of their Body as they think fit ; any Committee so formed shall, in the Exercise of the Powers delegated, conform to any Regulations that may be imposed on them by the Board :
- (8.) A Committee may elect a Chairman of their Meetings ; if no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting :
- (9.) A Com-

*The Mersey Docks and Harbour Act, 1857.*

- (9.) A Committee may meet and adjourn as they think proper; Questions at any Meeting shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote:
- (10.) All Acts done by any Meeting of the Board, or of a Committee of the Board, or by any Person acting as Member of the Board, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Board or Person acting as aforesaid, or that they or any of them were disqualified, be as valid as if such Board had been duly appointed and such Person was qualified to be a Member of the Board:
- (11.) The Board shall cause Minutes to be made in Books provided for that Purpose,
- (1.) Of all the Appointments of Officers made by the Board;
  - (2.) Of the Names of the Members present at each Meeting of the Board and Committees of the Board;
  - (3.) Of all Orders made by the Board and Committees of the Board; and,
  - (4.) Of all Resolutions and Proceedings of Meetings of the Board and of Committees of the Board:

And any such Minutes as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of the Board or Committee of the Board, shall be receivable in Evidence without any further Proof.

*Rotation of Nominee Members.*

Rotation of  
Nominee  
Members.

XIV. The following Rules shall be observed with respect to the Rotation of the Nominee Members:

- (1.) One of the Nominee Members shall vacate his Office on the First Day of *January* One thousand eight hundred and fifty-nine, and One on the First Day of *January* in every succeeding Year, and the Office so vacated shall forthwith be filled up by the Conservancy Commissioners:
- (2.) The Nominee Members shall determine by Lot which of their Number is to vacate his Office on the First Day of *January* One thousand eight hundred and fifty-nine, and which on the First Day of *January* One thousand eight hundred and sixty, after which Time the Member who has been longest in Office shall vacate:
- (3.) Any Nominee Member appointed to fill the Office of a vacating Member shall hold his Office for Three Years:
- (4.) Any Nominee Member on vacating his Office may be re-appointed.

*Rotation*



*The Mersey Docks and Harbour Act, 1857.**Rotation of Elective Members.*

XV. The Elective Members of the Provisional Board shall vacate their Offices on the First Day of *January* One thousand eight hundred and fifty-nine, or if the Election of the Members hereby required to be elected in their Place be not concluded on that Day, then on the earliest Day thereafter on which such Election may be concluded, and the Vacancies then created shall be filled up by the Election of an equal Number of new Members by such qualified Electors, and in such Manner as is herein-after provided; the Members elected on the First Day of *January* One thousand eight hundred and fifty-nine shall, as soon as conveniently may be after their first assembling together, divide themselves into Three Classes by Agreement, or, if they cannot agree, by Lot; the Offices of the First Class shall be vacated on the First Day of *January* One thousand eight hundred and sixty, the Offices of the Second Class shall be vacated on the First Day of *January* One thousand eight hundred and sixty-one, and the Offices of the Third Class shall be vacated on the First Day of *January* One thousand eight hundred and sixty-two; the Offices of vacating Members shall be filled up by an equal Number of new Members, to be elected in manner herein-after provided, and every new Member shall hold his Office for the Term of Three Years, and no longer.

Rotation of  
Elective  
Members.*Casual Vacancies.*

XVI. Any casual Vacancy in the Office of a Nominee Member may be filled up by the Conservancy Commissioners, and any casual Vacancy in the Office of an Elective Member may be filled up by the Elective Members themselves, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if such Vacancy had not occurred.

Casual  
Vacancies.

XVII. Any Person on ceasing to be a Nominee or Elective Member of the Board shall, unless disqualified as herein-before mentioned, be re-eligible.

Members  
re-eligible.*Qualification of Electors.*

XVIII. The following Regulations shall be made with respect to the Qualification of Electors for Members to be elected in the Month of *January* in the Year One thousand eight hundred and fifty-nine, and in every succeeding Year:

Qualification  
of Electors.

(1.) A Register shall be kept of the Names and Addresses of all Corporate Bodies and Persons paying on their own Account any Rates to the Board, and such Register shall be open to Inspection at the Office of the Board at all Times during the Hours of Business:

(2.) On the First Day of *August* One thousand eight hundred and fifty-eight, and on the First Day of *August* in every succeeding  
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Year, the Board shall cause a List to be made, to be called the List of Dock Electors; and every *British* Subject who has during the Year immediately preceding, or during such Space, being less than a Year, as may intervene between the passing of this Act and the First Day of *August* One thousand eight hundred and fifty-eight, paid to the Board, in respect of Rates legally demandable from him, an Amount of not less than Ten Pounds, shall be entitled to have his Name placed on the List, and be qualified to vote at the next ensuing Election for Members of the Board:

- (3.) The List so made shall be arranged in alphabetical Order, and shall contain the Names and Addresses of the Electors; it shall be fixed to the outer Door of the Town Hall of *Liverpool*, and to the outer Door of the Town Hall of *Birkenhead*, and printed Copies shall be sold at a reasonable Price to any Person requiring the same:
- (4.) In Cases where any Person not being resident in the United Kingdom is placed on the List of Dock Electors, he shall not be entitled to vote until he has appointed an Agent resident in the United Kingdom, on whom all Notices hereby required to be served on Dock Electors may be served, and has given Notice of such Appointment to the Board:
- (5.) The Name and Address of any Agent so appointed shall be added in the List of Dock Electors to the Name and Address of the Appointor:
- (6.) In Cases where any Payment of Rates is made on account of Persons trading together in Partnership, such Payment shall be deemed to be made on his own Account by such One of the Partners as the Parties may agree upon.

XIX. The following Rules shall be observed with respect to the Revision of the List of Dock Electors:

- (1.) A Barrister, to be appointed every Year by the senior Judge for the Time being travelling the Summer Circuit in *Lancashire*, shall hold a Court for the Revision of the List of Dock Electors at some Time between the First Day of *August* and the First Day of *September*, both inclusive, in the Year One thousand eight hundred and fifty-eight, and in every succeeding Year, and may adjourn such Court from Day to Day:
- (2.) Seven clear Days previous Notice of the Time and Place of holding such Court shall be given by Advertisement in One of the Newspapers published in *Liverpool*, and by affixing a Statement to the outer Door of the Town Hall of *Liverpool* and to the outer Door of the Town Hall of *Birkenhead*:
- (3.) The Revising Barrister shall hear all Persons appearing before him, and claiming to have their Names inserted on the List of Electors, or to expunge the Name of any other Person from the  
List,

Revision  
of List of  
Electors.

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List, with this Qualification, that no Person shall be entitled to object to the Name of any other Person unless the Objector is himself on the List of Electors, and that no Objection shall be heard except on the Appearance of the Person whose Name is objected to, or, if he does not appear, on due Proof of Notice having been served on him :

- (4.) Notice of any Objection may be served personally, or by leaving the same, or by sending it through the Post in a Letter addressed to the Person whose Name is objected to, at the Place appearing on the Register of Dock Electors to be his Place of Abode :
- (5.) Service of Notice on the Agent shall, in the Case of a Person not resident in the United Kingdom, be deemed to be Service on the Principal :
- (6.) Evidence that a Letter, correctly addressed, has been put into the Post Office at such Time as, according to the ordinary Course of the Post, to insure its Delivery before any particular Time, shall, in Cases where Notice is authorized to be given by Post, be sufficient Proof that Notice was served by such particular Time as aforesaid :
- (7.) The Revising Barrister, after hearing any Case, shall rectify the List in such Manner as he thinks just, and his Decision shall be conclusive ; he may also award such Costs as he thinks just against either Party :
- (8.) The Revising Barrister may, for the Purpose of investigating the Right of any Person to vote, summon before him any Witness, and examine him on Oath, subject to this Proviso, that no Person shall be compelled to attend unless the reasonable Charges for his Attendance have been paid, and that no Person shall be compelled, in obedience to any such Summons, to travel more than Ten Miles from his Place of Abode ; and any Person who wilfully disobeys any such Summons, or refuses to answer any Question put to him by the Revising Barrister for the Purpose of the Investigation of such Right as aforesaid, shall for each Offence incur a Penalty not exceeding Five Pounds :
- (9.) In the event of the Revising Barrister being incapacitated by Illness or otherwise from performing his Duty, the senior Judge for the Time being travelling the Summer Circuit in *Lancashire* may appoint a Barrister in his Place and any Deputy so appointed may do anything required by this Section to be done by the Revising Barrister :
- (10.) There shall be paid by the Board, out of the Funds standing to the Account of their general Receipts, to the Revising Barrister, in addition to his Travelling Expenses, such Remuneration, not exceeding Ten Pounds for each Day on which he is engaged in the Performance of his Duties, as the Judge by whom he is appointed may determine.

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No Person  
not on List  
entitled to  
vote.

XX. No Person shall be entitled to vote at the Election of Members of the Board in the *January* of the Year One thousand eight hundred and fifty-nine, or of any succeeding Year, unless his Name appears upon the revised List of Electors made during the previous Year.

*Election of Elective Members.*

Rules for  
electing new  
Members.

XXI. The following Rules shall be observed with respect to the Election of Elective Members of the Board at the Election that takes place in the Month of *January* in the Year One thousand eight hundred and fifty-nine, and in succeeding Years:

(1.) The Chairman of the Board for the previous Year, or some Person appointed by him, shall be the Returning Officer:

(2.) The first Nomination of new Members of the Board shall take place on the First Day of *January* One thousand eight hundred and fifty-nine, and every subsequent Nomination on the First Day of *January* in every succeeding Year:

(3.) On every Occasion of the Nomination of new Members of the Board, the Returning Officer shall convene a Meeting of the Electors for the Purpose of such Nomination, and shall give Notice of such Meeting, and of the Time and Place at which it is to be held,

By Advertisement in some One or more of the Newspapers published in *Liverpool*:

By causing a Copy of such Notice to be affixed to the outer Door of the Town Hall of *Liverpool*, and to the outer Door of the Town Hall of *Birkenhead*:

(4.) The Returning Officer shall preside and regulate the Proceedings at such Meeting:

(5.) At any such Meeting as aforesaid any Person or Persons may, if he or they consent thereto, be nominated by any Elector, and seconded by any other Elector, as a Member or Members of the Board:

(6.) If more Candidates are proposed than the Number to be elected, a Poll may be demanded, and shall be taken in manner herein-after mentioned, but if not, or if no Poll is demanded, a Declaration by the Returning Officer that the Candidates are elected Members of the Board shall be Evidence of the Fact.

*Manner of taking Poll.*

Rules as to  
taking Poll.

XXII. The following Rules shall be observed with respect to taking a Poll for the Election of Members of the Board at the Election that takes place in the Month of *January* in the Year One thousand eight hundred and fifty-nine, and in succeeding Years:

(1.) When a Poll is demanded, the Returning Officer shall direct the same to be taken at such Place or Places within the Borough of *Liverpool* and the Township of *Birkenhead*, and on such Day,  
not

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not exceeding One clear Day from the Day of Nomination, as he may determine :

- (2.) The Returning Officer shall appoint such Number of Polling Clerks as he deems sufficient, and cause proper Polling Books to be provided :
- (3.) Votes may be given either personally or by Proxy ; a Proxy shall be appointed under the Hand of the Appointor, or, if such Appointor is a Corporation, under their Common Seal ; but he shall not be entitled to vote unless the Instrument appointing him was deposited at the Office of the Board on or before the First Day of *December* preceding the *January* in which such Proxy proposes to vote ; but no Person shall be appointed a Proxy unless he is a qualified Elector :
- (4.) The Poll shall be opened at Nine o'Clock in the Forenoon of the appointed Day, and shall close at Four o'Clock in the Afternoon of the same Day, except in the Case of Disturbance or Riot, when the closing of the same may be fixed to take place at such Time as the Returning Officer directs :
- (5.) The Poll at any Place of Voting may be closed at any Time before Four of the Clock, if One Hour has elapsed during which no Vote has been tendered at such Place of Voting :
- (6.) The Returning Officer shall cause to be entered in the Polling Books the Name and Address of every Voter, and the Manner in which he votes :
- (7.) At the Close of the Poll the Returning Officer shall sum up the Votes, and as soon as possible publish the Names of the Candidates elected, as herein mentioned,
  - (1.) By Advertisement in some One or more Newspaper or Newspapers published in *Liverpool* :
  - (2.) By affixing a List of such Candidates to the outer Door of the Town Hall of *Liverpool*, and to the outer Door of the Town Hall of *Birkenhead*,

XXIII. If from any Cause whatever the Place of any vacating Member is not filled up in manner herein-before mentioned, such Vacancy shall be deemed a casual Vacancy, and may be dealt with accordingly. Provision on Failure to elect new Members.

XXIV. If any Person wilfully personates any Person entitled to vote in pursuance of this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, he shall for every such Offence incur a Penalty not exceeding Twenty Pounds. Penalty on Personation of Voter.

XXV. Whenever any Day by this Act appointed for any Purpose shall in any Year happen to be a *Sunday*, in every such Case the Business so appointed to be done shall take place on the *Monday* following. Provision as to Sunday.

*The Mersey Docks and Harbour Act, 1857.**Transfer of Property to Board.*

Transfer of  
Docks at  
Birkenhead  
to the Board.

XXVI. All such Estate and Interest in the Docks, Buildings, and other Property, both real and personal, situate at *Birkenhead* or elsewhere, as are transferred or intended to be transferred to the Corporation of *Liverpool* by "The *Birkenhead* Docks Act, 1855," shall, upon and after the First Day of *January* One thousand eight hundred and fifty-eight, vest in the Board, but subject to all Charges and Liabilities affecting the same.

Transfer of  
Docks at  
Liverpool  
to the Board.

XXVII. All such Docks, Lights, Buoys, Lands, Buildings, and other Property, both real and personal, situate at *Liverpool* or elsewhere, as are held by or in trust for the Trustees of the *Liverpool* Docks under or in pursuance or for the Purposes of any of the Acts mentioned in the First Part of the Schedule hereto annexed, shall, upon and after the First Day of *January* One thousand eight hundred and fifty-eight, vest in the Board, but subject to all Charges and Liabilities affecting the same.

Landing  
Stage in  
front of  
Prince's  
Dock to be  
completed.

XXVIII. The Landing Stage for Sea-going Steamers now being constructed by the Corporation in front of the *Prince's Dock* at *Liverpool* shall be completed by them at their own Expense, so that the same may be ready for Traffic, and the same (if so completed on the First Day of *January* One thousand eight hundred and fifty-eight) shall vest in the Board at that Date, or, if not then completed, shall vest in the Board from and after the Completion thereof, and the same shall for ever thereafter be maintained by the Board in a State of Efficiency, and in the Situation where the same is now being constructed.

Power to  
purchase  
Liverpool  
Observatory.

XXIX. The *Liverpool* Observatory, with its Instruments and Appurtenances, shall, from and after the First Day of *January* One thousand eight hundred and fifty-eight, vest in the Board, who shall maintain the same in complete Efficiency.

Transfer of  
Powers of  
levying  
Tolls, &c. to  
the Board.

XXX. All Powers, Rights, and Privileges vested in or exerciseable by the Corporation of *Liverpool*, the *Liverpool* Dock Trustees, the *Liverpool* Dock Committee, or any of such Authorities, under or in pursuance of or for the Purpose of any of the Acts mentioned in the Schedule hereto, and not inconsistent with this Act, shall, from and after the First Day of *January* One thousand eight hundred and fifty-eight, be vested in and exerciseable by the Board.

Transfer of  
Powers of  
Pilotage  
Commis-  
sioners.

XXXI. All such Powers of licensing and regulating Pilots, and of fixing Pilotage Rates, as are vested in the Commissioners appointed by an Act passed in the Fifth Year of the Reign of His late Majesty King

*The Mersey Docks and Harbour Act, 1857.*

King George the Fourth, Chapter Seventy-three, and intituled *An Act for the better Regulation and Encouragement of Pilots for the conducting of Ships and Vessels into and out of the Port of Liverpool*, for the Purposes aforesaid, and all such Property, real and personal, as is held by or in trust for the said Commissioners for the Purposes of such last-mentioned Act, and all such other Powers, Rights, and Privileges as are vested in the said Commissioners in relation to Pilotage by the said Act, or by any other Act, Charter, or Custom, shall, from and after the First Day of *January* One thousand eight hundred and fifty-eight, be vested in and exerciseable by the Board.

XXXII. All such Powers, Rights, and Privileges of imposing or collecting any of the Dues, herein-before called respectively Town Dues and Anchorage Dues, as are now vested in or have been lawfully exercised by the Corporation of *Liverpool*, shall, from and after the First Day of *January* One thousand eight hundred and fifty-eight, be transferred to and vested in the Board, but subject to all the Charges affecting the same: Provided always, that nothing herein contained shall be held to affect the Rights of the said Corporation or of the Board to levy the said Town and Anchorage Dues, but such Rights shall be held to be legally capable of being exercised by the Board unless the contrary shall be established in some Court of competent Jurisdiction.

Transfer of  
Town Dues.

XXXIII. All such Rights and Privileges of appointing a Water Bailiff and of removing sunken Vessels, and all such Powers of exercising Jurisdiction over the Navigation, or in respect of the Conservancy of the River *Mersey*, as are now vested in or exerciseable by the Corporation, and all Obligations and Liabilities of the said Corporation in relation thereto, or in relation to the *Wallasey* or *Leasowes* Embankment, shall, from and after the First Day of *January* One thousand eight hundred and fifty-eight, be transferred to the Board.

Conservancy  
Powers of  
Corporation  
transferred  
to Board.

XXXIV. So much of the Salary of the Acting Conservator appointed by the Conservancy Commissioners as is now paid by the Corporation of *Liverpool*, and all other Expenses that are now incurred or payable by the Corporation in respect of the Conservancy of the *Mersey*, shall, from and after the First Day of *January* One thousand eight hundred and fifty-eight, be paid and borne by the Board.

Expenses of  
Conservancy  
to be borne  
by the Board.

XXXV. And whereas by Articles of Agreement dated the Fourteenth Day of *October* One thousand eight hundred and fifty-two, and made between the Honourable *Charles Alexander Gore*, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, of the

Vesting  
Benefit of  
Agreement  
for Sale of  
North  
Reserve in  
the Board.

*The Mersey Docks and Harbour Act, 1857.*

one Part, and *Joshua Pollard* and *George Pollard* therein described of the other Part, the said *Charles Alexander Gore* agreed to sell to the said *Joshua Pollard* and *George Pollard*, who agreed to purchase, that Part of the Land called the *North Reserve* which was shown on the Plan annexed to the Agreement for the Price and subject to the Covenants and Conditions therein contained: And whereas by an Indenture dated the First Day of *December* One thousand eight hundred and fifty-two, and made between the said *Joshua Pollard* and *George Pollard* of the one Part, and *John Abel Smith* of the other Part, and another Indenture dated the Seventeenth Day of *October* One thousand eight hundred and fifty-five, and made between *John Abel Smith* of the one Part, and the Corporation of *Liverpool* of the other Part, all the Estate and Interest of the said *Joshua Pollard* and *George Pollard* under the said recited Articles of Agreement dated the Fourteenth Day of *October* One thousand eight hundred and fifty-two, except in a small Piece of Land in the last-mentioned Indenture described, became vested in the Corporation: And whereas only a Part of the Consideration Money by the said Articles of Agreement covenanted to be paid to Her Majesty has yet been paid, and many of the Covenants, Conditions, and Agreements therein contained still remain to be performed: And whereas it is expedient for the Objects and Purposes of this Act that the Estate and Interest of the Corporation of *Liverpool* under the same Articles of Agreement in the *North Reserve* should, from and after the First Day of *January* One thousand eight hundred and fifty-eight, vest in the Board: Be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred and fifty-eight all the Estate, Right, Title, and Interest of the Corporation of *Liverpool* in the Space of Land lying on the North Side of the Entrance to the above-named Dock Float, and commonly called the *North Reserve*, under the recited Articles of Agreement and Indentures, or any of them, shall, subject to the Provisions herein-after contained, become vested in the Board, subject to all Covenants, Agreements, and Conditions affecting the same.

Compensation in respect of North Reserve.

XXXVI. The Compensation to be made by the Board in respect of the said *North Reserve* shall be the Sum of One hundred and twenty-seven thousand Pounds, and such Sum shall be applied in manner following:—First, in paying to the Crown the Balance of Purchase Money and Interest due to Her Majesty; second, in Payment or Satisfaction of all pecuniary Incumbrances, if any, affecting the said *North Reserve*, not being Liabilities to the Crown in respect of Works; thirdly, in paying the Balance to the Corporation of *Liverpool*: Provided always, that until such Compensation as aforesaid be paid, it shall not be lawful for the Board to take or interfere with the said *North Reserve*, or any Part thereof; and unless the said Sum of

One



*The Mersey Docks and Harbour Act, 1857.*

One hundred and twenty-seven thousand Pounds be paid to the Corporation within Two Months of the said First Day of *January* One thousand eight hundred and fifty-eight, the said Sum shall bear Interest after the Rate of Four Pounds *per Centum per Annum* from the said First Day of *January* until the same be paid.

XXXVII. The Board shall pay to the Corporation, on or before the several Days mentioned in the Fourth Part of the Schedule hereto, the several Sums specified in such Schedule, and the Corporation shall apply the several Sums received by them under this Enactment in Payment of the several Sums owing or to become due, as specified in the said Schedule.

Board to pay Sums specified in Part IV. of Schedule.

XXXVIII. In case at any Time and from Time to Time the Board shall make Default in paying or providing for the Principal and Interest on the said Bonds, or any of them, on the Days of Payment thereof respectively, and shall not, on Demand, repay to the Corporation any Moneys which they may have paid in respect thereof, the Corporation may recover the Amount so paid by them, with Interest, in an Action against the Board as for Money paid to their Use, and in addition and without Prejudice to such Right of Action may re-enter on any Property at *Birkenhead* which by this Act has been transferred to and vested in the Board, and may hold the same until such Amount, with Interest thereon at the Rate of Four Pounds *per Cent. per Annum*, and all Costs incident to such Entry and Holding, shall have been paid and satisfied.

In case of Default of Payment by Board, Corporation to have Power of Re-entry.

XXXIX. The Board shall also repay to the Corporation all such Moneys as they shall have *bonâ fide* paid or expended before and up to the First Day of *January* One thousand eight hundred and fifty-eight, or shall have been compelled after that Day to pay and shall have paid, either in the Payment of Interest on the Bonds delivered by them as aforesaid, or in respect of Works executed by them upon any of the *Birkenhead* Docks, or Property hereby transferred to the Board, or otherwise howsoever, in the *bonâ fide* Execution of the Powers and Provisions of "The *Birkenhead* Docks Act, 1855," or in the Performance of any Obligation or Duty thereby imposed upon the Corporation, together with Interest thereon at the Rate of Four Pounds *per Cent. per Annum*, from the respective Times of Payment thereof until Payment by the Board; and an Account of the Moneys so paid and expended by the Corporation, signed by the Town Clerk, shall be delivered to the Board within One Month after its Appointment, or as soon thereafter as practicable, and shall be verified by such Vouchers, Accounts, and Documents, and in such other Manner as the Board may reasonably require; and if such Account shall be disputed by the Board, the same or so much thereof as shall

Board to repay certain Moneys to the Corporation.

*The Mersey Docks and Harbour Act, 1857.*

be so disputed shall be settled by Arbitration, and the Amount so agreed or settled, as the Case may be, shall be paid by the Board to the Corporation on or before the First Day of *January* One thousand eight hundred and fifty-nine, and in default of such Payment the Corporation may recover the same from the Board by Action as for Money paid to their Use, and in addition to such Right of Action may enter upon any of the Property which by this Act has been transferred to and vested in the Board, and may hold the same until the said Amount, with Interest thereon at the Rate of *Four per Centum per Annum*, and all Costs incident to the enforcing Payment thereof, shall have been fully paid.

Consideration for Town and Anchorage Dues.

XL. The Board shall pay to the Corporation the Sum of One million five hundred thousand Pounds in consideration of the Relinquishment and Transfer of their existing Rights to the Perception of the said Town and Anchorage Dues, and of the Transfer of the said Landing Stage and Observatory, and such Payment shall be made by Fifteen equal half-yearly Payments, on the First Day of *July* and the First Day of *January* in each Year, the First of such Payments to be made on the First Day of *July* One thousand eight hundred and fifty-eight; and in addition to such last-mentioned Payments, the Board shall also on the same Days respectively pay to the Corporation Interest on the said Sum of One million five hundred thousand Pounds, or on so much thereof as for the Time being shall be unpaid, at the Rate of Four Pounds Ten Shillings *per Cent. per Annum*; and the same being duly paid, the Corporation shall, in consideration thereof, pay and satisfy the Holders of the Bonds issued by the Corporation upon the Credit of the Borough Fund, and not charged on the *Liverpool Water Account*, or in this Act otherwise provided for, as and when the same respectively become due, and shall protect and indemnify the Board and its Revenues from and against any Claim or Demand, either for Principal or Interest, upon any Bonds issued by the Corporation before the First *January* One thousand eight hundred and fifty-eight, and in case they shall fail to do so, and the Board shall by reason thereof be required to make and shall make any Payment upon any such Bond, they shall be entitled to deduct the Amount so paid by them, with Interest at the Rate of Four Pounds Ten Shillings *per Centum per Annum*, and all Costs incurred by them in respect thereof, out of the next Payment to be made by them to the Corporation, or, if no such Payment remain to be made, may recover the same by Action against the Corporation as for Money paid to their Use.

1,500,000*l.* to be a Charge upon the general Revenues of Board.

XLI. The Sum of One million five hundred thousand Pounds and Interest thereon so to be paid by the Board to the Corporation shall be a Charge upon the general Revenues of the Board.

XLII. If

*The Mersey Docks and Harbour Act, 1857.*

XLII. If at any Time there shall be due and in arrear to the Corporation from the Board in respect of any of the Moneys hereby made payable by the Board to the Corporation a Sum equal to Ten thousand Pounds, and the Board shall not, within Two Months after Demand, pay or satisfy the same, the Corporation may enforce the Payment thereof by the Appointment of a Receiver, but without Prejudice to their Right to recover or enforce Payment of the same in any other Manner; and for all Purposes relating to the Appointment and Acting of such Receiver, the 86th and 87th Sections of "The Commissioners Clauses Act, 1847," shall be held to be incorporated with this Act: Provided, that such Appointment of Receiver, and the Powers to be exercised by him, shall not affect or disturb any Charge created by this Act in favour of the Specialty Creditors, but such Power shall be exercised subject thereto.

Power to  
appoint a  
Receiver.

XLIII. All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Corporation, the *Liverpool* Dock Trustees, the *Liverpool* Dock Committee, or the *Liverpool* Pilotage Commissioners, in respect of any Property, Powers, Rights, or Privileges hereby transferred to the Board, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Board; and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the Nonperformance thereof, shall be enforceable by or against the Board to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the Corporation, the *Liverpool* Dock Trustees, the *Liverpool* Dock Committee, or the *Liverpool* Pilotage Commissioners.

Debts, &c.  
of Corpora-  
tion and  
Dock Trus-  
tees enforce-  
able against  
Board.

XLIV. All Rates and Sums of Money due to the *Liverpool* Dock Trustees, or to the *Liverpool* Dock Committee, or the *Liverpool* Pilotage Commissioners, on account of any Property, Powers, Rights, or Privileges hereby transferred, shall be deemed to be due to the Board, and be recoverable accordingly.

Moneys due  
to Dock  
Trustees to  
be paid to  
Board.

XLV. All Actions, Suits, and other legal Proceedings, civil or criminal, commenced or which might have been commenced by or against the Corporation, the *Liverpool* Dock Trustees, the *Liverpool* Dock Committee, or the *Liverpool* Pilotage Commissioners, in relation to any Property, Powers, Rights, or Privileges hereby transferred, may be continued or instituted by or against the Board.

Actions, &c.  
not to abate.

XLVI. All Actions, Suits, and other Proceedings against the Corporation for or in respect of any Act, Matter, or Thing done or omitted to be done or alleged to have been done or omitted by them  
in

Existing  
Suits, &c.  
saved.

*The Mersey Docks and Harbour Act, 1857.*

in the *bonâ fide* Execution of the Powers and Provisions of "The *Birkenhead Docks Act, 1855*," which shall be pending on the First Day of *January* One thousand eight hundred and fifty-eight, shall not after that Day be continued as against the Corporation, but may be continued and prosecuted against the Board upon the entering of a Suggestion, or by an Order of a Judge of any of the Superior Courts; and no Action, Suit, or other Proceeding in respect of any such Act, Matter, or Thing as aforesaid shall be commenced or instituted after the said First Day of *January* One thousand eight hundred and fifty-eight against the Corporation, but the same may be commenced and instituted against the Board; and in any such Action, Suit, or other Proceeding commenced or continued against the Board, such Judgment or Decree may be pronounced or made against the Board as might or would have been made against the Corporation if this Act had not passed.

Production  
of Books, &c.

XLVII. All Persons having in their Custody, Power, or Possession any Books, Papers, or Writings relating exclusively to the Property, Rights, Powers, and Privileges hereby transferred shall deliver the same to the Board, or to such Persons as they may appoint; and in case of Refusal or Neglect the Person so refusing or neglecting shall for each Offence incur a Penalty not exceeding Fifty Pounds, and shall be liable at the Instance of the Board to the same Actions, Suits, or other Proceedings as they would respectively have been liable to at the Instance of the Authority to which such Property, Rights, Powers, and Privileges previously to the Transfer thereof belonged.

Corporation  
not to be  
compelled  
to deliver  
Books to  
Board, but  
to produce  
same.

XLVIII. Provided always, That nothing herein contained shall be held to require the Corporation to deliver to the Board any Books, Papers, or Writings which in any Manner relate to the Property or Rights of the Corporation, other than the Property, Powers, and Rights by this Act transferred to the Board, but the Corporation shall, if required by the Board, and at the Expense of the Board, produce such Books, Papers, and Writings in their Possession as may be necessary for establishing the Title of the Board to any Property, Powers, or Rights by this Act transferred to them.

*Functions of Board.*

Board to  
hold Pro-  
perty on  
previous  
Trusts.

XLIX. Subject to the Provisions of this Act, the Board shall stand possessed of all the Property, Powers, Rights, and Privileges hereby transferred to them upon the Trusts and for the Purposes upon and for which such Property, Powers, Rights, and Privileges were holden previously to the Commencement of this Act.

L. From

*The Mersey Docks and Harbour Act, 1857.*

L. From and after the First Day of *January* One thousand eight hundred and fifty-eight all Docks and Works belonging to the Board, and all Docks and Works that may hereafter belong to the Board, shall be deemed to constitute One Estate only, herein-after called "the *Mersey Dock Estate*," and a uniform System of Management shall be adopted with respect to the whole of such *Mersey Dock Estate*.

Amalgamation of Birkenhead and Liverpool Docks.

LI. The Board shall immediately after the Commencement of this Act proceed with the Construction of the outer Works at *Birkenhead* referred to in "The *Birkenhead Docks Act, 1853*," with a view to the Completion of the same, substantially in accordance with the Plans that have been sanctioned by Parliament.

Works at Birkenhead to be completed according to Plans sanctioned by Parliament.

LII. Until the Board shall take possession of the *Birkenhead Docks* under the Provisions of this Act, the Corporation shall proceed with the Construction of the Works authorized by the *Birkenhead Dock Acts*, and after the Board shall have entered into possession of the said *Birkenhead Docks* they shall assume all Contracts and all Liabilities of the said Corporation in respect of the said Works.

Corporation to proceed with Works, until same vested in Board.

LIII. The Board may, with the Consent of the Conservancy Commissioners, make Regulations for the mooring of Vessels in the River *Mersey*, and the Prevention of Obstructions therein.

Board to make Regulations as to mooring of Vessels.

LIV. The following Accounts shall be kept separately, and shall be dealt with as distinct Sources of Income and Expenditure; (that is to say,)

Division of Receipts and Expenditure of Board into separate Accounts.

(1.) An Account of all Sums received and disbursed by the Board in respect of the following Matters, and herein-after called Conservancy Receipts and Conservancy Expenditure; that is to say: in respect of the Maintenance of Buoys, Landmarks, and Telegraphs; the Expense of Lights and Life Boats; the Expense of the Marine Surveyor; the Expenses to be incurred as herein-after mentioned, with the Consent of the Commissioners for the Conservancy of the River *Mersey*, in improving of the Port of *Liverpool* or the Navigation of the River *Mersey*; the Expenses to be incurred in the Exercise of the Jurisdiction hitherto vested in the Corporation of appointing a Water Bailiff, and removing sunken Vessels and other Impediments to the Navigation:

(2.) An Account of all Sums received and disbursed by the Board in the Exercise of the Powers hitherto vested in the *Liverpool Pilotage Commissioners*, herein-after called "Pilotage Receipts" and "Pilotage Expenditure:"

(3.) An Account of all other Sums received and disbursed by the Board in pursuance of this Act, and herein-after called "General Receipts" and "General Expenditure."

[*Local.*]

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LV. The

*The Mersey Docks and Harbour Act, 1857.*

Power to Board to vary Amount of Rates.

LV. The Board may, with the Consent of the Conservancy Commissioners, apply any Portion of their General Receipts, after providing for the Expenses and Charges incidental to the *Mersey Dock Estate*, in improving the Port of *Liverpool*, or the Navigation of the River *Mersey*; they may also increase or diminish, and again increase, any Rates or Dues leviable by them in pursuance of this Act, either generally or in respect of any particular Articles.

Rules imposed on Board with reference to Expenditure.

LVI. The following Rules shall be observed by the Board with respect to the Moneys received by them under this Act; (that is to say,)

- (1.) The Conservancy Expenditure shall be defrayed out of the Conservancy Receipts:
- (2.) The Pilotage Expenditure shall be defrayed out of the Pilotage Receipts:
- (3.) No Portion of the Conservancy Receipts or Pilotage Receipts shall be applied in aid of the General Expenditure:
- (4.) No Sums shall be payable in respect of Docks by any Vessel that does not use the same:
- (5.) Save as by this Act is provided, no Moneys receivable by the Board shall be applied to any Purpose, unless the same conduces to the Safety or Convenience of Ships frequenting the Port of *Liverpool*, or facilitates the shipping or unshipping of Goods, or is concerned in discharging a Debt contracted for the above Purposes.

Power to Board to borrow.

LVII. The Board may, in addition to any Powers acquired by them under the Acts specified in the Schedule, from Time to Time borrow at Interest, on the Security of any Rate or Rates, or any Dues forming Part of its General Receipts, any Sum or Sums required for the Completion of the *Birkenhead Docks and Works*, or for the Purposes specially provided for by this Act, but for no other Purpose whatever; and for the Purposes of such borrowing, the Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall be incorporated with this Act.

Provision with respect to Penalties.

LVIII. All Arbitrations under this Act shall be conducted, and all Penalties imposed by this Act shall be recovered, in manner directed by "The Railways Clauses Consolidation Act, 1845."

Account to be rendered to Parliament.

LIX. The Board shall render to Parliament, as soon as may be after the Twenty-fourth Day of *June* in every Year, an Account of its Receipts during the preceding Year ending the Twenty-fourth of *June*, and the Manner in which the same have been applied.

LX. The

*The Mersey Docks and Harbour Act, 1857.*

LX. The Board shall in the ensuing Session prosecute a Bill in Parliament for consolidating the several Acts specified in the Schedule hereto, and for obtaining any additional Powers that may be necessary or expedient for carrying into effect the Purposes of this Act, and for revising and regulating the Rates and Charges to be levied upon all Vessels, Goods, Merchandise, and other Articles now liable or hereafter liable to the same.

Board to apply to Parliament for Consolidation of Acts.

LXI. From and after the First Day of *January* One thousand eight hundred and fifty-eight, all such Provisions contained in the Acts specified in the First Schedule hereto, or in any other Act, as are inconsistent with this Act, are hereby repealed, and in particular the Fourth Section of the Act passed in the Sixth Year of His late Majesty King *George* the Fourth, Chapter One hundred and eighty-seven, and such Provisions of the said scheduled Acts as relate to the Appointment or Constitution of "the *Liverpool* Dock Committee" or "the *Liverpool* Pilotage Commissioners."

Repeal of former Acts.

LXII. Except as otherwise expressly provided for by this Act, nothing herein contained shall in anywise annul, abridge, prejudice, or affect the Rights and Interests of the Company of Proprietors of the *Mersey and Irwell* Navigation, or of the Trustees under the Will of the Most Noble *Francis* late Duke of *Bridgewater*, in or connected with the River *Mersey*, or the Navigation or Conservancy thereof.

Reserving Rights of Proprietors of Mersey and Irwell Navigation.

LXIII. Nothing in this Act shall exempt the Board from the Provisions of "The Merchant Shipping Law Amendment Act, 1853," "The Merchant Shipping Act, 1854," or any General Act relating to Docks, Harbours, or Dues on Shipping, or on Goods carried in Shipping, now in force or which shall be passed during the present or any future Session of Parliament.

Reservation of Provisions of Merchant Shipping Acts, &c.

LXIV. Nothing in this Act contained shall be held or construed to prejudice or affect any of the Rights, Privileges, Powers, or Authorities of the Owners or Lessees for the Time being of the *Woodside* and *Seacombe* Ferries respectively.

Saving Rights of Owners, &c. of Woodside and Seacombe Ferries.

LXV. Whereas it is alleged that certain Works constructed by the *Liverpool* Dock Trustees in pursuance of the Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty, and in the Eleventh Year of the Reign of Her present Majesty, Chapter Ten, have caused the Stream of the *Mersey* to impinge on the opposite Shore, and to Waste Land abutting on such River, situate in the Townships of *Poulton-cum-Seacombe* and *Liscard* in the Parish of *Wallasey* in the County of *Chester*, thereby occasioning serious Loss to the Owners of such Land, and it is also alleged that such Waste is still going on, and will, unless

Board to construct Wall to prevent Injury to Lands in Cheshire.

*The Mersey Docks and Harbour Act, 1857.*

unless prevented by adequate Means, cause still greater Loss: Be it enacted, That the Board shall, if satisfied that such Allegation is true, construct a Wall or other adequate Works for the Purpose of preventing any such Waste: Provided always, that no such Wall or Works shall at any Time be constructed without the previous Consent of the Conservancy Commissioners of the *Mersey*, to be signified in Writing, under the Hand of the Acting Conservator, or without the Consent in Writing of the Commissioners of Woods, Forests, and Land Revenues, or One of them.

Expenses of constructing Wall how to be paid.

LXVI. Any Expenses incurred by the Board in constructing a Wall or other Works for the Prevention of such Waste as aforesaid shall be defrayed by the Board out of any Moneys for the Time being in their Hands standing to the Account of their General Receipts.

Reservation of the Rights of Dock Creditors.

LXVII. Whereas all such Docks, Lights, Buoys, Lands, Buildings, and other Property, real and personal, as are held by or in trust for the Trustees of the *Liverpool* Docks under or in pursuance or for the Purposes of any of the Acts mentioned in the First Part of the Schedule annexed hereto, and which Property is herein-after called "the existing *Liverpool* Dock Estate," is transferred by this Act to the Board: And whereas all Powers vested in the said Trustees of the *Liverpool* Docks of levying Rates in respect of the said Docks and other Property are also transferred to the Board: And whereas the said Trustees of the *Liverpool* Docks are indebted to divers Persons, on Bond and other Specialty Debts, to the Extent of Six million Pounds and upwards, and it is expedient that such Persons, who are herein-after called existing Specialty Creditors, should not be prejudiced in their Rights by this Act: Be it enacted, That the Board shall keep a separate Account of all Rates levied by them in respect of the existing *Liverpool* Dock Estate, and all the existing Specialty Creditors shall, in respect of all Advances made by them on the Security of the said *Liverpool* Dock Estate and *Liverpool* Dock Rates, either alone or in common with other Property, or on the Security of Bonds of the *Liverpool* Dock Trustees, have the same Claim against the existing *Liverpool* Dock Estate, and the Rates levied in respect of the said Estate, to the Extent of the present net Revenue arising from the same, when such Rates are transferred to and levied by the Board, and also against the Board to the Extent of such present net Revenue arising from the Rates levied by them in respect of the *Liverpool* Dock Estate, as they would if this Act had not been passed have had in respect of the same Advances against the existing *Liverpool* Dock Estate in the Hands of the *Liverpool* Dock Trustees, and against the Rates levied by such Trustees, and against the *Liverpool* Dock Trustees, and such Claims shall, to the Extent of the said present net Revenue, have



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*The Mersey Docks and Harbour Act, 1857.*

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have Priority over all other Charges which are created or hereafter may be created under the Authority of this Act; moreover, the Board shall not exercise any Power hereby given them in such Manner as to reduce the Revenue applicable to the Payment of the said Bond Debts so long as all such Debts remain unpaid below the Amount of the said net Revenue, or, in the event of any such Bond Debts being paid off, below such Amount as will bear the same Proportion to the existing Bond Debts for the Time being unpaid as the net Revenue bears to the existing Bond Debts unpaid at the passing of this Act.

LXVIII. All Expenses of and incidental to the passing of this Act, and of carrying the same into effect, shall be defrayed by the Board out of any Moneys for the Time in their Hands. Expenses of Act.

*The Mersey Docks and Harbour Act, 1857.*

## SCHEDULE (PART I.)

## LIVERPOOL DOCKS ACTS.

Year.	Chapter.
8th Anne	12
3rd George I.	1
11th George II.	32
2nd George III.	86
25th Ditto	15
39th Ditto	59
51st Ditto	143
53rd Ditto	156
59th Ditto	30
6th George IV.	187
9th Ditto	55
9th Ditto	114
11th Ditto	14
4th Victoria	30
6th & 7th Victoria	98
7th & 8th Victoria	80
8th Victoria	11
9th & 10th Victoria	119
11th Victoria	10
14th & 15th Victoria	64
18th & 19th Victoria	174

## SCHEDULE (PART II.)

## THE BIRKENHEAD DOCKS TRUSTEES ACTS.

Year.	Chapter.
7th & 8th Victoria	79
8th & 9th Victoria	4
10th & 11th Victoria	264
Ditto	265
11th & 12th Victoria	144
13th & 14th Victoria	100
16th & 17th Victoria	165
17th & 18th Victoria	192
18th & 19th Victoria	171

*The Mersey Docks and Harbour Act, 1857.*

## SCHEDULE (PART III.)

## THE BIRKENHEAD DOCKS COMPANY'S ACTS.

Year.	Chapter.
8th & 9th Victoria	60
11th & 12th Victoria	9
11th & 12th Victoria	42
16th & 17th Victoria	177
18th & 19th Victoria	171

## SCHEDULE (PART IV.)

STATEMENT showing the Amounts payable by the Corporation of Liverpool for Principal Money and Interest in respect of Bonds delivered to the Nominees of the Birkenhead Dock Trustees and the Birkenhead Dock Company between the 23rd January 1858 and 23rd July 1865, both Dates inclusive.

Date.	Principal Money.			Interest.			Sum Total of Principal & Interest.		
	£	s.	d.	£	s.	d.	£	s.	d.
1858 January 23	-	-	-	13,930	0	0	13,930	0	0
" July "	125,000	0	0	13,930	0	0	138,930	0	0
1859 January "	-	-	-	11,430	0	0	11,430	0	0
" July "	-	-	-	11,430	0	0	11,430	0	0
1860 January "	-	-	-	15,895	0	0	15,895	0	0
" July "	-	-	-	15,895	0	0	15,895	0	0
1861 January "	-	-	-	15,895	0	0	15,895	0	0
" July "	125,000	0	0	15,895	0	0	140,895	0	0
1862 January "	-	-	-	13,395	0	0	13,395	0	0
" July "	446,500	0	0	13,395	0	0	459,895	0	0
1863 January "	-	-	-	8,930	0	0	8,930	0	0
" July "	-	-	-	8,930	0	0	8,930	0	0
1864 January "	-	-	-	8,930	0	0	8,930	0	0
" July "	-	-	-	8,930	0	0	8,930	0	0
1865 January "	-	-	-	8,930	0	0	8,930	0	0
" July "	446,500	0	0	8,930	0	0	455,430	0	0
	£1,143,000	0	0	194,670	0	0	1,337,670	0	0

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