



ANNO TRICESIMO & TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. ccvi.

An Act to confirm the Expenditure by the *Mersey* Docks and Harbour Board of certain Monies; and for other Purposes. [15th August 1867.]

**W**HEREAS by "The *Mersey* Docks and Harbour Act, 1857," being *An Act for consolidating the Docks at Liverpool and Birkenhead into One Estate, and for vesting the Control and Management of them in One Public Trust, and for other Purposes*, the *Mersey* Docks and Harbour Board (herein-after referred to as "the Board") were incorporated for the Purposes therein mentioned: And whereas the several Local and Personal Acts following have also been passed in relation to the *Mersey* Docks and Harbour Board; (that is to say,)

20 & 21 Vict.  
c. clxii.

"The *Mersey* Docks and Harbour (Works) Act, 1858:"

21 & 22 Vict. c. xc.

"The *Mersey* Dock Acts Consolidation Act, 1858:"

21 & 22 Vict.  
c. xcii.

"The *Mersey* Docks (Money) Act, 1859:"

22 Vict. c. xx.

"The *Mersey* Docks (Ferry Accommodation) Act, 1860:"

23 & 24 Vict. c. cl.

"The *Mersey* Docks (Corporation Purchase) Act, 1861:"

24 & 25 Vict.  
c. clxxxviii.

"The *Mersey* Docks (North Wall) Act, 1863:"

26 & 27 Vict.  
c. liv.

"The *Mersey* Docks Act, 1864:"

27 & 28 Vict.  
c. cxxiii.

"The *Mersey* Docks (Outer Works Alteration) Act, 1866:"

29 & 30 Vict.  
c. lxxxiv.

"The *Mersey* Docks (*Shore Road* Purchase) Act, 1866:"

29 & 30 Vict.  
c. oiii.

[Local.]

36 B

And

*The Mersey Docks (Various Powers) Act, 1867.*

And whereas by "The *Mersey Docks (North Wall) Act, 1863,*" (in this Act called "the Act of 1863,") the Board were authorized to borrow the Sum of Four hundred and fifty thousand Pounds for certain Works therein mentioned, the Board having purposely limited their Application for Borrowing Powers to that Amount, notwithstanding their Engineer's Estimate that the said Works would cost Five hundred and sixty-four thousand six hundred and eighty-six Pounds, intending to provide the Sum of One hundred and fourteen thousand six hundred and eighty-six Pounds, being the Difference between the Amount so applied for and the estimated Cost, out of other Monies: And whereas by "The *Mersey Docks Act, 1864,*" (in this Act called "the Act of 1864,") the Board were authorized to borrow the Sum of Eight hundred and seventy-five thousand Pounds, which Sum was by the Act directed to be applied exclusively for certain Purposes therein mentioned: And whereas the Board have paid or contracted to pay out of the Sum of Eight hundred and seventy-five thousand Pounds authorized to be borrowed under the Act of 1864 the Sum of One hundred and eighty-three thousand Pounds or thereabouts in or towards the Purchase of Land authorized by that Act to be purchased: And whereas, owing to Additions and Alterations made in the said Works, the Board have applied up to the First Day of *December* One thousand eight hundred and sixty-six, out of the Sum of Eight hundred and seventy-five thousand Pounds authorized to be borrowed under "The *Mersey Docks Act, 1864,*" towards the Construction of the said Works, not only the said Sum of One hundred and fourteen thousand six hundred and eighty-six Pounds, but also the additional Sum of One hundred and fifty-four thousand and forty-seven Pounds, and towards the general Improvement of the Dock Estate the Sum of Sixty-six thousand one hundred and eighty Pounds, making together the Sum of Three hundred and thirty-four thousand nine hundred and thirteen Pounds, while the further Sum of One hundred and eighty-eight thousand nine hundred Pounds is estimated to be required to complete the aforesaid Works, with the necessary Additions and Alterations, which last-mentioned Sum has been since the First Day of *December* One thousand eight hundred and sixty-six and still is in course of Expenditure: And whereas it is expedient that the Application as aforesaid by the Board of Monies authorized to be borrowed under the Act of 1864 should be confirmed and sanctioned, and that the Board should be empowered to apply the Sum of One hundred and sixty-eight thousand one hundred and eighty-seven Pounds (or thereabouts), being the Residue of the Monies authorized to be borrowed under the last-mentioned Act, after deducting therefrom the several Sums above mentioned of One hundred and sixty-eight thousand one hundred and eighty-seven Pounds and Three hundred and thirty-four thousand nine hundred and thirteen Pounds and One hundred

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hundred and eighty-eight thousand nine hundred Pounds, in manner herein-after provided: And whereas it is expedient that the Board should be empowered to borrow the further Sum of Two hundred and twenty-seven thousand Pounds for the Purposes herein-after in that Behalf mentioned: And whereas it is expedient that the said Acts should in other respects be altered and amended as herein-after provided: And whereas the several Objects aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

1. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Mersey Docks (Various Powers) Act, 1867.*" Short Title.

2. So much of "The *Mersey Dock Acts Consolidation Act, 1858,*" as relates to the Meanings to be assigned to certain Words and Expressions, being Section 3. of such Act, shall be incorporated with and form Part of this Act, except so far as such Meanings or any of them are inconsistent with this Act. Part of 21 & 22 Vict. c. xcii. as to Meanings of Words incorporated.

3. So much of the Sum of Eight hundred and seventy-five thousand Pounds authorized to be borrowed under the Act of 1864 as has been or is now in course of being expended by the Board in or towards the Construction of Works authorized by the Act of 1863, or in or towards the general Improvement of the Dock Estate, shall be deemed to have been lawfully expended by the Board, as if the same had been expressly authorized by the Act of 1864 to have been applied to those Purposes. Monies borrowed under Act of 1864 to be deemed to have been lawfully expended on Works authorized by Act of 1863.

4. And whereas by the Acts above recited, or some of them, the Board were authorized to borrow (in addition to any Sum or Sums of Money required for the Completion of the *Birkenhead Docks and Works*, and for the Purposes specially provided for by "The *Mersey Docks and Harbour Act, 1857,*") Monies amounting in the whole to Eight million and twenty-five thousand Pounds, but by the Operation of Sections 4. and 6. of "The *Mersey Docks (Money) Act, 1859,*" (in this Act called the Act of 1859,) the said Borrowing Powers of the Board have been extinguished to the Extent of Four hundred and fifteen thousand eight hundred and thirty-one Pounds Six Shillings and Ninepence, being the aggregate Amount of the Surplus of Rates over Payments which up to the Twenty-fourth Day of *June* One thousand eight hundred and sixty-six became applicable under the Power to borrow 227,000*l.* on Security of Rates.  
Provisions

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Provisions of the said Section 4., and the Sum of Seven million six hundred and nine thousand one hundred and sixty-eight Pounds Thirteen Shillings and Threepence (in addition to such other Monies as aforesaid, but subject to the Operation as from the said Twenty-fourth Day of *June* One thousand eight hundred and sixty-six of the said Sections 4. and 6. of the Act of 1859,) is the Extent of the Debt now authorized to be due and owing at any One and the same Period of Time on the Security of the Rates belonging to the Board: Therefore the Board may borrow at Interest on the Security of the Rates now belonging to the Board (exclusive of any Sum or Sums of Money required for the Completion of the *Birkenhead* Docks and Works, and for the Purposes specially provided for by "The *Mersey* Docks and Harbour Act, 1857,") a further Sum not exceeding Two hundred and twenty-seven thousand Pounds Sterling, which Sum of Two hundred and twenty-seven thousand Pounds will, with the Sum of Seven million six hundred and nine thousand one hundred and sixty-eight Pounds Thirteen Shillings and Threepence, the Amount of the Debt now authorized as above recited, amount to the Sum of Seven million eight hundred and thirty-six thousand one hundred and sixty-eight Pounds Thirteen Shillings and Threepence, and such Sum of Seven million eight hundred and thirty-six thousand one hundred and sixty-eight Pounds Thirteen Shillings and Threepence (exclusive of such other Monies as aforesaid) shall, subject to the Provisions of this Act, and subject and without Prejudice to the Operation, as from the Twenty-fourth Day of *June* One thousand eight hundred and sixty-six, of Section 4. and (as modified by this Act) of Section 6. of the Act of 1859, be the Extent of the Debt authorized to be due and owing at any One and the same Period of Time on the Security of the said Rates.

Application  
of Balance  
of 875,000*l.*  
and of the  
Monies bor-  
rowed under  
this Act.

5. The Sum of One hundred and sixty-eight thousand one hundred and eighty-seven Pounds (or thereabouts), the Balance as aforesaid of the Sum of Eight hundred and seventy-five thousand Pounds authorized to be borrowed under the Act of 1864, (after deducting the Monies expended or in course of being expended by the Board out of that Sum as aforesaid,) and the further Sum of Two hundred and twenty-seven thousand Pounds which by this Act the Board are authorized to borrow, may and shall be applied by the Board in the first instance in or towards the Construction of One of the Two Docks (mentioned in the Act of 1864) on the East Side of the *Huskisson* Dock, and the Enlargement (for the Accommodation of the Timber Trade, which will be displaced by the Construction of the intended Dock,) of the Half-tide Dock at the Carriers Dock, such intended Dock to be constructed and such Enlargement to be executed in substantial Accordance with a Plan signed in Duplicate by the Right Honourable the Earl of *Romney*, the Chairman of the Committee

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Committee of the House of Lords, to whom in its Progress through Parliament this Act was referred; and the Balance of the said Sums of One hundred and sixty-eight thousand one hundred and eighty-seven Pounds and Two hundred and twenty-seven thousand Pounds may be applied by the Board in or towards the Improvement of the *Mersey Dock Estate* on the *Liverpool Side* of the River *Mersey*, other than Works authorized by the Act of 1864.

6. The next Application which shall be made by the Board to Parliament shall include the Approaches to the River contemplated under Agreement with the *Birkenhead Improvement Commissioners* by the Act of 1860 on an improved Plan.

Next Application to Parliament by Board to include therein River Approaches on improved Plan.

7. In the Books which by "The *Mersey Dock Acts Consolidation Act, 1858*," the Board are required to cause to be provided and kept, and in the Accounts entered therein, and in the annual Account in Abstract which by the Three hundred and twenty-second Section of that Act the Board are required to cause to be prepared and printed, the Board shall distinguish and set forth the several Acts of Parliament under which they are authorized to borrow Money on the Security of the Rates belonging to them, and the Amount of Money which they are so authorized to borrow under each of such Acts respectively; and shall also state in respect of each Item of Expenditure of Money upon Works the particular Act of Parliament under which such Expenditure has been made.

Certain Particulars as to Borrowing Powers and Expenditure to be given in the Accounts of the Board.

8. In addition to the Audit Commissioners elected under "The *Mersey Dock Acts Consolidation Act, 1858*," the Board of Trade shall, within Three Months after the passing of this Act, appoint, and from Time to Time remove and reappoint, a special Auditor, who may either act alone or with the elected Auditors in the auditing of the Accounts of the Board, and may employ such Clerks or Assistants, and take such legal or other Advice, as he may require; and all the Auditors may inquire into and certify as to the Legality of all the Expenditure of the Board, and whether the Treasurer and Collectors have collected or been paid all that they are entitled to have received on each Transaction.

Appointment of special Auditor by the Board of Trade.

9. The Salary or other Remuneration of the Auditor shall from Time to Time be fixed by the Board of Trade, and all Disputes which may arise between the Auditor and the Board touching the Necessity or Propriety of any Expenses incurred by the Auditor shall be determined by the Board of Trade.

As to Remuneration and Expenses of Auditor.

10. When and so often as the Board shall pay any Sum or Sums of Money on account of Poor Rates or other local Rates or Assessments

Amount paid for Rates, &c.

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made previously to 24th June 1867 to be made good.

Annual Sum to be set aside as a reserved Fund, to meet Rates &c. made after 24th June 1867.

Power for the Board to charge differential Rates.

Jurisdiction of Stipendiary Magis-

ments made previously to the Twenty-fourth Day of *June* One thousand eight hundred and sixty-seven, the Amount or Amounts so paid shall be deducted from the Amount by which the Borrowing Powers of the Board may have been diminished under the Operation of the Sixth Section of the Act of 1859; and the Board may accordingly (in addition to any other Sums which for the Time being they are authorized to borrow) borrow at Interest on the Security of the Rates belonging to the Board a further Sum or further Sums of Money equal to the Amount or Amounts so paid.

11. In each and every Year, reckoning from the Twenty-fourth Day of *June* One thousand eight hundred and sixty-seven, the Board may and shall set aside out of the Rates or other their Revenue for the current Year the Sum of Thirty thousand Pounds, and the Monies so set aside shall form a Reserve Fund applicable exclusively to the Payment of Poor Rates or other local Rates or Assessments made subsequently to the said Twenty-fourth Day of *June* One thousand eight hundred and sixty-seven, which may have been or may be demanded of the Board, and for the Payment of which or of any Part or Parts of which the Board may hereafter be held or become liable: Provided always, that the Board shall set aside such annual Sum as aforesaid so long only as some One or more of such Rates or Assessments shall be or remain the Subject of legal Proceedings; provided further, that if in any Year the Board shall actually pay the whole or any Part of any such Rates or Assessments made in that Year, the Sum to be set aside by the Board in that Year shall be the Sum of Thirty thousand Pounds, less the Amount or Amounts so paid, and in ascertaining the Surplus of Rates over Payments applicable under the Fourth Section of the Act of 1859 the Sum or Sums of Money so set aside shall be deemed to be Charges and Expenses within the Meaning of that Section to be deducted from Rates.

12. The Board may, if they think fit, from Time to Time lower all or any of the Dock Tonnage Rates or Dock Rates on Goods chargeable in respect of any of their Docks, without lowering the same Rates chargeable in respect of any other Dock of the Board, and such Rates being so lowered may be afterwards raised again to an Amount not exceeding the Rates prescribed by "The *Mersey Dock Acts Consolidation Act, 1858*," or other Act regulating the said Rates in force for the Time being, and may thereafter be in like Manner lowered and raised from Time to Time, in the Discretion of the Board.

13. And whereas, under the Provisions of "The *Birkenhead Improvement Commissioners Act, 1863*," a Stipendiary Magistrate has been

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been appointed by Her Majesty to be a Police Magistrate and Justice of the Peace within the District to which such Act relates, and upon any Vacancy in the Office of the Stipendiary Magistrate Her Majesty is empowered, upon the Petition of the *Birkenhead* Improvement Commissioners, but not otherwise, to make a new Appointment of a Stipendiary Magistrate for such District: And whereas Part only of the *Birkenhead* Docks is within the District to which the said Act relates, and it is expedient that every such Stipendiary Magistrate should have Jurisdiction over the whole of the *Birkenhead* Docks:— Be it therefore enacted, That all Offences and all other Matter cognizable by any Stipendiary Magistrate for *Birkenhead*, either by Common Law or by Statute, or by or under any of the Acts relating to the Board, already passed or which may hereafter be passed, and all Offences against any Byelaws made or which may hereafter be made by the Board, committed in or upon any Part of the *Birkenhead* Docks which, except under the Provisions of this Act, would not be within the Limits of the District to which “*The Birkenhead Improvement Commissioners Act, 1863,*” relates, may be heard, adjudged, and determined by such Stipendiary Magistrate; and all Penalties imposed and Damages incurred under any of the Acts relating to the *Mersey* Docks and Harbour Board, already passed or which may hereafter be passed, or under any Byelaw already made or which may hereafter be made, in pursuance of all or any of such Acts, in relation to any Offence, Matter, or Thing committed or done or arising or happening within the *Birkenhead* Docks, may be sued for and recovered from the Offender by Information and Complaint before any such Stipendiary Magistrate in as full and ample a Manner as if the same had been committed or done or had arisen within any Part of the Limits of the aforesaid District; and further, that for better effecting the Object of Section 346. of “*The Mersey Dock Acts Consolidation Act, 1858,*” which provides for certain Offences committed on the Water within the Limits of the Port of *Liverpool*, every such Stipendiary Magistrate shall be deemed to be a Justice acting for the County of *Chester* within the Meaning of that Section.

trate of  
Birkenhead  
extended  
over the  
whole of the  
Birkenhead  
Docks.

14. The Observatory now in course of Construction by the Board on *Bidston Hill* shall, when completed, be deemed to be the Observatory intended to be referred to in the Twenty-ninth Section of “*The Mersey Docks and Harbour Act, 1857,*” and shall, with its Instruments and Appurtenances, be henceforth maintained by the Board in complete Efficiency, and thereupon the present *Liverpool* Observatory may be taken down and removed by the Board, anything in the aforesaid Section to the contrary notwithstanding.

Substitution  
of Obser-  
vatory at  
Bidston for  
old Obser-  
vatory at  
Liverpool.

15. The

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Expenses  
of Act.

15. The Board, out of any Monies for the Time being in their Hands, shall pay and discharge all Costs, Charges, and Expenses incurred in applying for, obtaining, and passing this Act.

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