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An Act for improving the access to the river Mersey on the Liverpool side, and to amend the Acts relating to the Mersey Docks and Harbour Board ; and for other purposes. A.D. 1871.
[14th August 1871.]

WHEREAS 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 (in this Act referred to as "the Act of 1857"), the Mersey Docks and Harbour Board (in this Act called "the Board") were incorporated for the purposes therein mentioned : 20 & 21 Vict.
c. clxii.

And whereas by "The Mersey Docks (Ferry Accommodation) Act, 1860" (in this Act referred to as "the Act of 1860"), the Board were authorised to make certain floating bridges, piers, or jetties (shown on the plans deposited for and referred to in that Act) between the Prince's Landing Stage at Liverpool and the adjacent quays, and between an intended landing stage at Woodside and an intended sea wall mentioned in the said Act, so as to enable carriages, carts, and vehicles to pass and repass to the said landing stages respectively at all states of the tide : 23 & 24 Vict.
c. cl.

And whereas by the Act of 1860 certain articles of agreement, entered into the twenty-third day of April one thousand eight hundred and sixty, between the Board of the one part and the Birkenhead Improvement Commissioners (in this Act referred to as "the Commissioners") of the other part, and a copy of which articles of agreement is set forth in Schedule B. to the said Act, were confirmed, and by the said articles of agreement the Board undertook forthwith, after obtaining the necessary parliamentary powers so to do, to construct and complete the several floating bridges, piers, and jetties authorised by the Act of 1860, and at all times thereafter to maintain and keep the same in a substantial working state of repair and condition :

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— And whereas the Board have long since completed the works at Woodside authorised by the Act of 1860, but having, subsequently to the passing of that Act, been advised and believing that the plans for the works authorised by that Act on the Liverpool side of the river Mersey might be modified, so as to provide more efficiently for the traffic intended to be thereby accommodated, the Board have not proceeded with the last-mentioned works, nor have the Commissioners called upon the Board to construct those works :

30 & 31 Vict.
c. ccvi.

And whereas by "The Mersey Docks (Various Powers) Act, 1867" (in this Act called "the Act of 1867"), it was (section 6) enacted that the next application which should be made by the Board to Parliament should include the approaches to the river contemplated under agreement with the Commissioners by the Act of 1860 on an improved plan :

And whereas the works by this Act authorised would provide such approaches to the river as are contemplated by the Act of 1867 :

And whereas plans and sections of the intended works, showing the lines and levels thereof and the lands on which the same are intended to be made, and a book of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, have been deposited with the clerk of the peace for the county palatine of Lancaster, and are in this Act referred to as "the deposited plans, sections, and book of reference:"

And whereas by the Act of 1857 it was (among other things) enacted (section 59) to the effect that the Board should render to Parliament, as soon as might be after the twenty-fourth day of June in every year, an account of its receipts during the preceding year ending the twenty-fourth day of June, and the manner in which the same had been applied :

21 & 22 Vict.
c. xcii.

And whereas by "The Mersey Dock Acts Consolidation Act, 1858" (in this Act called "the Consolidation Act of 1858"), it was (among other things) enacted (section 322) to the effect that the Board should every year cause an annual account in abstract to be prepared and printed (first being duly audited), showing the total receipt and expenditure of all moneys received or paid by them for the year ending on the twenty-fourth day of June under the several distinct heads of receipt and expenditure required by that or any other Act :

22 Vict.
c. xx.

And whereas by "The Mersey Docks (Money) Act, 1859" (in this Act called "the Act of 1859"), in order to make provision for the repayment of the principal moneys then already borrowed or thereafter to be borrowed by the Board under the authority of Par-

liament, it was enacted (section 4) to the effect that, after payment in each year of all charges and expenses attending the collection of rates or incidental thereto, or to the recovery thereof, and after payment of all interest accruing due on moneys for the time being forming a charge upon such rates, and of the dock annuities authorised to be granted by the Board, and after payment of all charges and expenses of supporting, maintaining, and repairing the works authorised to be erected, established, and maintained by the Board, and of the general management of the Mersey Dock estate, and of all reasonable expenses necessary for conducting, securing, preserving, improving, amending, maintaining, and protecting the same, the Board should yearly and every year subsequent to the twenty-fourth day of June one thousand eight hundred and sixty apply the surplus (if any) of the rates which should remain in their hands after such payments as aforesaid to the extent of one hundred thousand pounds, or such less amount as the said surplus should be equal to, in or towards the repayment of some or any of the principal moneys which should then be due and owing on the security of the rates, and which should then have become due and payable, and in the purchasing up and extinguishing of the Mersey Dock annuities which might be then existing, according to the respective priorities of such moneys and annuities, until all principal moneys due on the security of the rates should have been repaid, and all Mersey Dock annuities should have been purchased up and extinguished; and, subject to the provisions therein contained, all rates and other moneys which should be collected, levied, borrowed, and raised or received under or by virtue of the Act of 1857 and "the Consolidation Act of 1858," or either of them, or of that Act, the application of which might not be otherwise expressly directed, should and might be applied by the Board according to section 284 of "the Consolidation Act of 1858:"

And whereas by the Act of 1859 it was further enacted (section 5) to the effect that, in case the Board should at any time possess any such surplus as aforesaid applicable towards paying off borrowed moneys or redeeming or extinguishing Mersey Dock annuities, it should be lawful for them to apply all or so much of the surplus applicable as aforesaid as they should deem expedient in or towards any purposes for which they had power to borrow moneys on the security of the rates under that or any previous Act, and (section 6) to the effect that, when and as often as any of the surplus moneys should have been applied by the Board, under the above provisions, in repayment of any moneys borrowed on the security of the rates, or in the purchase or extinguishment of any dock annuity, or in or towards any purposes for which moneys might otherwise have

A.D. 1871. — been borrowed on the security of the rates, the borrowing powers of the Board to the extent of the moneys so applied should be extinguished :

And whereas by the Act of 1867 it was (among other things) enacted (section 8) to the effect that, in addition to the Audit Commissioners elected under "the Consolidation Act of 1858," the Board of Trade should, within three months after the passing of the Act of 1867, appoint and from time to time remove and re-appoint a special auditor, who might either act alone or with the elected auditors in the auditing of the accounts of the Board, and might employ such clerks or assistants and take such legal or other advice as he might require; and all the auditors might inquire into and certify as to the legality of all expenditure of the Board, and whether the treasurer and collectors had collected or been paid all that they were entitled to have received on each transaction :

And whereas the accounts prepared by the Board to satisfy the requirements of their Acts have been merely cash accounts, showing the money actually received and paid within the year of account, but not showing outstanding credits or liabilities, whether matured or accruing :

And whereas the Board, in calculating the amount of surplus applicable to the sinking fund, have proceeded on the principle that on the construction of the enactments relating to the sinking fund nothing should be debited or credited except what had been actually paid or received within the year of account :

And whereas in the year 1861 the accounts of the Board showed a surplus of revenue amounting to £167,599 8s. 6d., whereof the sum of £100,000 was carried to the credit of the sinking fund account, and the residue was employed by the Board as capital for purposes authorised by their Acts :

And whereas, according to the mode of calculation adopted by the Board as to the sinking fund, there were, in the seven years ending the twenty-fourth day of June one thousand eight hundred and sixty-seven, sums carried to the credit of the sinking fund amounting in the aggregate to the sum of £419,331 9s. 9d., and the Board have, since the said twenty-fourth day of June one thousand eight hundred and sixty-seven, and prior to the twenty-fourth day of June one thousand eight hundred and seventy, paid on account of poor rates and other local rates or assessments made previously to the twenty-fourth day of June one thousand eight hundred and sixty-seven the sum of £111,991 6s. 11d., which sum deducted (in accordance with section 10 of the Act of 1867) from the said sum of £419,331 9s. 9d. leaves the sum of £307,340 2s. 10d. as the amount by which the borrowing powers of the Board have

been treated by them as extinguished up to the twenty-fourth day of June one thousand eight hundred and seventy : A.D. 1871.

And whereas a special auditor was appointed by the Board of Trade under the Act of 1867, and he proceeded to act and made a report to the Board on their accounts :

And whereas the special auditor recommended in his report that the year of account should close on the first day of July instead of on the twenty-fourth day of June, and stated his opinion to the effect that the annual account of the Board should show and allow for not only receipts and expenditure, but also credits and liabilities, before the surplus (if any) could properly be carried to the sinking fund :

And whereas it is expedient that the recommendations of the special auditor respecting the termination of the year of account, and the nature of the account, and the mode of calculation of the sinking fund, be adopted in the accounts of the year 1871 and subsequent years :

And whereas, according to the mode of calculation of the sinking fund recommended by the special auditor, the sums carried from revenue to the credit of the sinking fund in the years 1861 to 1867 inclusive would have been less than the sums actually so carried as aforesaid by the sums to be debited for accruing interest to the twenty-fourth day of June in each year, amounting on the twenty-fourth day of June one thousand eight hundred and sixty-seven to the sum of £238,325 8s. 10d., and it is expedient that that sum should be replaced to the credit of revenue in the accounts of the Board for the year ending (in accordance with the provisions of this Act) on the first day of July one thousand eight hundred and seventy-one :

And whereas, in accordance with the opinion of the special auditor, apparent surpluses on the accounts for the three years ending the twenty-fourth day of June one thousand eight hundred and seventy, amounting in the aggregate to £147,589 10s. 7d., which (less the sum of £90,000 required to be set aside as a reserve fund applicable to payment of poor or other rates during those three years) would, according to the practice of former years, have been credited by the Board to the sinking fund, have not been so dealt with, but have been carried to a suspense account, and it is expedient that the sum of £57,589 10s. 7d., the balance of the said sum of £147,589 10s. 7d., after deducting therefrom the said sum of £90,000, should be also carried in the accounts of the Board for the year ending as aforesaid on the first day of July one thousand eight hundred and seventy-one, to the credit of revenue :

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— And whereas the annual account of the Board to be stated to the first day of July one thousand eight hundred and seventy-one as aforesaid, on the principle recommended by the special auditor, will for the first time include as a liability against revenue a large amount of interest on the bond debt accruing to that date, in addition to the interest actually paid during the year :

And whereas the sinking fund (after there shall be carried thereto the sum, if any, in regard of the year of account ending the first day of July one thousand eight hundred and seventy-one, applicable thereto under section 4 of the Act of 1859,) will stand as it would have done if from its commencement the sinking fund had been dealt with as in accordance with the opinion of the special auditor it ought to have been dealt with, and the borrowing powers of the Board ought to have been extinguished and ought to be now treated as having been extinguished (up to the said first day of July one thousand eight hundred and seventy-one) by the amount to the credit of the sinking fund on the last-mentioned day, and by no greater or other amount :

And whereas by the Act of 1857 it was (among other things) further enacted (section 32) to the effect that all such powers, rights, and privileges of imposing or collecting any of the dues in that Act and this Act called "town and anchorage dues" as were then vested in or had been lawfully exercised by the Corporation of Liverpool should, from and after the 1st day of January 1858, be transferred to and vested in the Board, but subject to all the charges affecting the same :

And whereas by the Act of 1857 it was (among other things) further enacted (section 40) to the effect that the Board should pay to the corporation the sum of £1,500,000 in consideration of (among other things) the relinquishment and transfer of their existing rights to the perception of the town and anchorage dues, such payment to be made by fifteen half-yearly payments, with interest on the principal sum, or so much thereof as should be for the time being unpaid, and (section 41) that the said principal sum and interest should be a charge on the general revenues of the Board :

And whereas by "The Upper Mersey Dues Act, 1860," it was (among other things) enacted (section 17) to the effect that, from and after the 1st day of January 1861, there should be transferred to and vested in and be exercised by the trustees constituted under that Act, but subject to all liens and charges affecting the same, all powers, rights, and privileges of imposing and collecting such of the town and anchorage dues as were in the same Act mentioned (which

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are in that Act and in this Act called "the Upper Mersey dues"), and (section 19) that the consideration to be paid by those trustees to the Board for the transfer to the trustees of the Upper Mersey dues should be the sum of £105,000 : A.D. 1871.

And whereas the said sum of £105,000 was paid to the Board, and the same was applied by them as capital :

And whereas it is expedient to provide for the application of any money that may be from time to time, after the passing of this Act, paid to the Board on the transfer by them to any other authority, or the extinction of any further portion of the town and anchorage dues :

And whereas the objects of this Act 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 it shall be sufficient to use the expression "Mersey Docks (Liverpool River Approaches) Act, 1871." Short title.

2. So much of "the Consolidation Act of 1858" as relates to the meanings to be assigned to certain words and expressions (being section 3 of that Act), except so far as such meanings and expressions, or any of them, are inconsistent with this Act, shall be incorporated with this Act. Part of 21 & 22 Vict. c. xcii., as to meaning of words, incorporated.

3. "The Lands Clauses Consolidation Acts, 1845" (except sections numbered 127 to 133, both inclusive), "1860, and 1869," shall be incorporated with this Act, and in construing the said Acts the Board shall be deemed the promoters of the undertaking. Provisions of general Acts herein named incorporated.

4. At any time after the passing of this Act the Board may close and fill up the whole or some part or parts of the George's Basin and the Seacombe Basin, and the passage from the George's Basin to the Prince's Dock, all in the parish of Liverpool, and construct and maintain in that parish, according to the deposited plans and sections, the following works described upon those plans and sections ; (that is to say,)

- (1.) A roadway or incline supported in part on pontoons, so as to rise and fall with the tide, with a solid slipway or platform to receive such pontoons when aground, commencing at or near the eastern end of the George's Basin, and terminating upon the landing stage next herein-after described :

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- (2.) A floating landing stage supported on pontoons, placed between and to connect the Prince's Landing Stage and the George's Landing Stage, with any requisite alterations in connexion therewith of the existing landing stages :
- (3.) Two retaining walls, to be situate on the northern and southern sides respectively of the roadway or incline herein-before described, commencing respectively at or near the eastern end of such roadway or incline, and terminating at or near the present river entrance to the George's Basin :
- (4.) A tunnel, culvert, or covered way, on the southern side of and running parallel with the solid slipway or platform above mentioned, to be used for the purpose of access to and examining, repairing, or changing the pontoons supporting the said roadway or incline, such tunnel, culvert, or covered way having an outlet on the river Mersey, and communications with the solid slipway or platform above mentioned by means of arched openings at proper intervals, and commencing at or near the eastern end of the George's Basin, and terminating on the face of the new river wall on the southern side of the roadway or incline before described :
- (5.) A bridge to connect the floating landing stage or platform before described with the existing quay or river wall, at or near the existing Seacombe Basin :
- (6.) A graving dock upon the site of the existing passage from George's Basin to Prince's Dock.

Landing stage in low-water basin at Birkenhead may be removed, &c.

5. The Board may remove so much, if any, of the landing stage now in the low-water basin at Birkenhead as may not be required for the purpose of constructing a landing stage in front of the South Reserve, under the memorandum of arrangement entered into between the Parliamentary Committee of the Board and the Great Western and London and North-western Railway Companies, dated the thirteenth day of March one thousand eight hundred and sixty-six, and may use and appropriate the whole or any part or parts of that landing stage for the purposes of or in connexion with any of the works by this Act authorised.

Mode of construction of new floating landing stage.

6. Notwithstanding anything in the deposited plans and sections, the new floating landing stage and the bridge Number (5.) above mentioned shall be constructed in accordance with a plan signed in duplicate by the Right Honourable Baron Redesdale, the Chairman of Committees of the House of Lords, one copy of which plan is

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deposited in the office of the Clerk of the Parliaments, and the other copy in the Private Bill Office of the House of Commons. A.D. 1871.

7. The powers of the Board for the compulsory purchase of lands shall not be exercised after the expiration of two years from the passing of this Act. Powers for compulsory purchases limited.

8. The works authorised by this Act (other than the graving dock) shall be commenced by the Board forthwith upon the passing of this Act, and shall be constructed, completed, and opened for traffic with all practicable diligence and despatch, and within three years from the passing of this Act, unless the completion is prevented by some unforeseen accident or circumstances beyond the control of the Board. Time for construction of works.

9. The thirteenth section of "the Act of 1860" shall be repealed, except so far as it relates to the appropriation, for the use of the commissioners or owners for the time being of the Woodside Ferry, for their ferry purposes, of a portion of the northern end of the landing stage at Woodside, and the user of the portion so appropriated, and in lieu of the parts of the said section so repealed it is hereby enacted as follows; that is to say, Partial repeal of section 13 of 23 & 24 Vict. c. cl.

(1.) In lieu of the portions of the Prince's Landing Stage which were to have been appropriated for the exclusive use of ferry steamers, pursuant to the 13th section of the Act of 1860, the Board shall appropriate the whole river frontage of the western side of the new floating landing stage to be constructed under this Act, including the embayment or recess to be formed therein, and also of a portion of the Prince's Landing Stage, to the extent of fifty feet at the south end thereof, for the exclusive use as well as for the convenient working and mooring of ferry steamers, and the said new floating landing stage, including the said embayment or recess and the above-mentioned portion of the Prince's Landing Stage, shall, from and after the completion of the new floating landing stage, subject to the appropriation effected by this clause, be deemed to be a landing stage of the Board within the meaning of the Acts of Parliament in relation to the Board, and their works, property, and estate: Power to ferry boats to use new floating landing stage and part of Prince's Landing Stage.

(2.) From and after the completion and opening for public use of the works authorised by this Act in relation to the new floating landing stage and the approaches thereto, it shall not be lawful, without the consent of the Board, for any carriage, cart, or other vehicle (except hand-carts con- Provision for the protection of the tolls.

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taining passengers luggage only), cattle and other animals which would be liable to the tolls authorised by the Act of 1860 to be taken if passing through the toll-gates or toll-bars to be erected under the Act of 1860 or this Act, to be loaded, discharged, embarked or disembarked, in, to, or from any ferry or other boat or vessel at any landing stage, or any portion of any landing stage, of the Board at Liverpool other than the new floating landing stage and the portion of the Prince's Landing Stage which are by this Act appropriated for that purpose.

Certain works under this Act to be in substitution of other works authorised by Act of 1860.

10. Subject to the provisions of this Act, the floating roadway or incline, the new floating landing stage, and the portion of the Prince's Landing Stage which are by this Act appropriated for ferry purposes, shall, together with the retaining walls, culvert, or tunnel mentioned in the fourth section of this Act, be deemed to be, for all purposes, in substitution for the floating bridge, pier, and jetty on the Liverpool side of the river Mersey, authorised by the Act of 1860, and the eighteenth section of that Act, and the agreement scheduled to and confirmed by that Act, shall be accordingly read and have effect as if the said works by this Act authorised had been mentioned or referred to therein instead of the said works authorised by the Act of 1860.

Power to erect toll-gates on new floating landing stage.

11. In addition to the toll-gates and toll-bars which the Board are authorised to erect by the fourteenth section of the Act of 1860, they may erect toll-gates or toll-bars on the new floating landing stage hereby authorised to be constructed, and all the provisions of the Act of 1860 in relation to tolls shall extend and apply to such gates or bars, as though the erection thereof had been authorised by that Act.

Accommodation of railway boats at landing stage at Liverpool.

12. Subject to the provisions of "The Birkenhead Railway (Vesting) Act, 1861," the steamboats employed by the London and North-western Railway Company and the Great Western Railway Company for carrying railway traffic across the Mersey, pursuant to the provisions of the last-mentioned Act, and of "The London and North-western Railway (Additional Powers) Act, 1868," shall, so far as regards the landing stages of the Board which are by former Acts or by this Act appropriated to the use of ferry steamboats, be deemed to be ferry steamboats, and such steamboats and their owners and crews shall be entitled to all the rights, and subject to all the liabilities, restrictions, and provisions given to or imposed on ferry steamers, or the owners or crews thereof, by any of such Acts, including the provisions in relation to tolls and the commutation

of tolls contained in the Act of 1860, as modified by this Act; but nothing herein contained shall take away, alter, prejudice, or affect any of the rights, powers, or authorities of the Birkenhead Improvement Commissioners, or any other owners of ferries, with respect to their rights of ferry across the river Mersey. A.D. 1871.

13. 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 Act of 1857"), any further sum or sums not exceeding in the whole one hundred and sixty thousand pounds. Power to borrow on security of rates.

14. All moneys borrowed by the Board under the authority of this Act shall be applied by them for the purposes for which such moneys are hereby authorised to be borrowed, and not otherwise. Application of moneys borrowed under this Act.

15. In the year one thousand eight hundred and seventy-one, and all subsequent years, the annual account to be rendered by the Board to Parliament, and to be prepared and printed (first being duly audited), shall be made up to and inclusive of the first day of July, instead of the twenty-fourth day of June, and the same shall be an account not only of receipts and expenditure within the year of account (which, as regards the annual account so made up to the first day of July one thousand eight hundred and seventy-one, shall include the whole period up to that date from the twenty-fourth day of June one thousand eight hundred and seventy), but also of the credits and liabilities of the Board on revenue account as existing at the termination of the year of account, whether matured or accruing. Alteration of date and nature of annual account.

16. In the year one thousand eight hundred and seventy-one, and all subsequent years, in the calculation of the surplus applicable to the sinking fund there shall be debited not only the payments actually made within the year of account, under the several heads mentioned in that behalf in section 4 of the Act of 1859, but also all the outstanding liabilities of the Board under the same several heads as existing at the termination of the year of account, whether matured or accruing, and there shall be credited all rates accruing to the Board, though not payable within the year of account. Alteration of principle of sinking fund.

17. In the annual account of the Board up to the first day of July one thousand eight hundred and seventy-one there shall be also credited to revenue the sums of two hundred and thirty-eight Certain sums to be credited to revenue up

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thousand three hundred and twenty-five pounds eight shillings and tenpence and fifty-seven thousand five hundred and eighty-nine pounds ten shillings and sevenpence, respectively above mentioned, and the said sum of two hundred and thirty-eight thousand three hundred and twenty-five pounds eight shillings and tenpence shall be at the same time debited to the sinking fund.

Revival of
borrowing
powers of
the Board.

18. The amount by which, up to the said first day of July one thousand eight hundred and seventy-one, the borrowing powers of the Board shall be deemed to have been extinguished by the operation of section 6 of the Act of 1859, shall be the amount standing to the credit of the sinking fund as on that day after the said annual account shall have been made up to that day, according to the provision herein-before contained (including any balance from the annual account for the year of account ending on that day), and no greater or other sum, and if that amount be less than the sum of three hundred and seven thousand three hundred and forty pounds two shillings and tenpence, the balance actually standing to the credit of the sinking fund up to the twenty-fourth day of June one thousand eight hundred and seventy as aforesaid, the borrowing powers of the Board are by this Act revived to the extent of the difference between the two sums, and the Board may accordingly borrow further moneys to that extent on the security of the rates now belonging to them.

Application
of money on
transfer of
town dues.

19. Any moneys from time to time after the passing of this Act paid to the Board on the transfer by them to any other authority or the extinction of any portion of the town and anchorage dues, shall be carried by the Board to the credit of the town dues account, and shall be applied in reduction of the bond debt for the time being of the Board, to an extent not exceeding one million five hundred thousand pounds.

Confirming
scheduled
agreement
with the
Corporation.

20. The memorandum of agreement between the Board and the Corporation, a copy whereof is set forth in the schedule to this Act (copies of the plan referred to in which agreement, verified by the signature of the Right Honourable Baron Redesdale, the Chairman of Committees of the House of Lords, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons), is hereby confirmed and made binding upon the parties thereto, and shall be deemed to be part of this Act, and full effect shall be given thereto accordingly.

Saving
rights of the
Duchy of
Lancaster.

21. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the said Board to take, use, or in any manner interfere with any lands or hereditaments, or any rights

of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of Her Majesty's said Duchy on behalf of Her Majesty first had and obtained for that purpose (which consent the said Chancellor is hereby authorised to give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors, in right of the said Duchy.

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22. The Board, out of any moneys for the time being in their hands, shall pay and discharge all the costs, charges, and expenses of applying for, obtaining, and passing this Act.

Expenses of Act.

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The SCHEDULE referred to in the foregoing Act.

MEMORANDUM of AGREEMENT, dated eighteenth July one thousand eight hundred and seventy-one, between the Mersey Docks and Harbour Board (herein-after called "the Board"), of the one part, and the Mayor, Aldermen, and Burgesses of the Borough of Liverpool (herein-after called "the Corporation"), of the other part.

1. The further opposition of the Corporation to the Mersey Docks and Harbour Board Bill (No. 2) and the clauses thereof shall be withdrawn upon the following terms :

2. The east end of the proposed floating bridge, shown on the plan A hereto annexed and signed by William Langton and Joseph Gibbons Livingston, Esquires, and described as an inclined roadway in the Bill, shall not be nearer to the western wall of the churchyard of Saint Nicholas Church than one hundred and eighty feet, and shall be placed as much further to the westward as may be possible, consistently with giving such floating bridge a maximum gradient of one in twenty.

3. The south-east boundary of the Prince's Dockyard shall be in a curved form as shown in the plan marked A, so that the distance across, between the boundary of the dockyard and the north-west corner of Saint Nicholas Churchyard at the points (b) and (c) on the plan, shall not be less than one hundred and twenty feet, the Board to be at liberty, in accordance with section 72 of "The Mersey Dock Acts Consolidation Act, 1858," to maintain and lay down lines of rails on those portions of the land coloured light pink, upon which they are by the said Act authorised to place and maintain lines of rails.

4. The south-west boundary of the Prince's Dockyard shall be in a curve form, as shown on the said plan, so that the distance across at the points (d) and (e) on the plan shall not be less than one hundred and eighty feet.

5. All public rights of way over the land of the Board coloured dark pink on the plan shall henceforth cease and be extinguished.

6. The Board shall not at any time hereafter erect any building to the southward of the green line shown upon the plan (being a continuation of the line of the north side of Chapel Street) higher than an ordinary dock-quay shed.

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7. The boundary fence enclosing the land coloured dark pink as aforesaid shall consist of a wall not more than six feet in height, with open palisading upon it. A.D. 1871.

8. The Board hereby dedicate to the public the whole of the land of the Board coloured light pink on the plan, the Board further undertaking that the distance between the south-east corner of the proposed floating bridge and the fence or boundary of the north quay of the George's Dock at the points (f) and (g) on the plan shall not be less than one hundred and fifty-five feet.

9. All public rights of way, if any, over the portion of the proposed George's Dock Quay coloured brown upon the plan, and the piece of ground on the west side of the George's Dock Shed, also coloured brown upon the plan, shall henceforth cease and be extinguished.

10. The Corporation shall convey to the Dock Board, free from all public rights, the piece of ground coloured green on the plan (the distance across, between such last-mentioned piece of ground and the north-east corner of the building of the George's Baths, at the points (h) and (j) on the plan, being one hundred and twenty feet), subject to a condition, that if any warehouse be erected on such last-mentioned piece of ground with any loading door or loading opening on the west side thereof, the western line of such warehouse for the full extent thereof shall be set back ten feet.

11. The Corporation hereby dedicate to the public the whole of the land coloured light yellow on the plan, and shall also hereby grant to the public rights of way over the plot of land now enclosed on the east side of the George's Baths, coloured dark yellow on the plan, reserving the filter beds (subject to the public rights of way over the same), with the full power to repair, cleanse, and renew such filter beds when necessary.

12. The Board hereby dedicate to the public the south-west corner of the shed on the west side of the George's Dock, coloured and etched in grey on the plan, so as to leave a clear width of eighty-four feet between the points (k) and (l) on the plan.

13. Such town sewers as now discharge into the George's Basin shall be continued by and at the expense of the Board, so far as may be required by the Corporation, and to the reasonable satisfaction of the borough engineer, to a new outfall at the river wall.

14. Clause 12 in the Bill as it passed the House of Commons to be struck out of the Bill.

15. Nothing herein contained shall prejudice or affect the rights of the Corporation, the Board, or the public with reference to matters not comprised in this agreement.

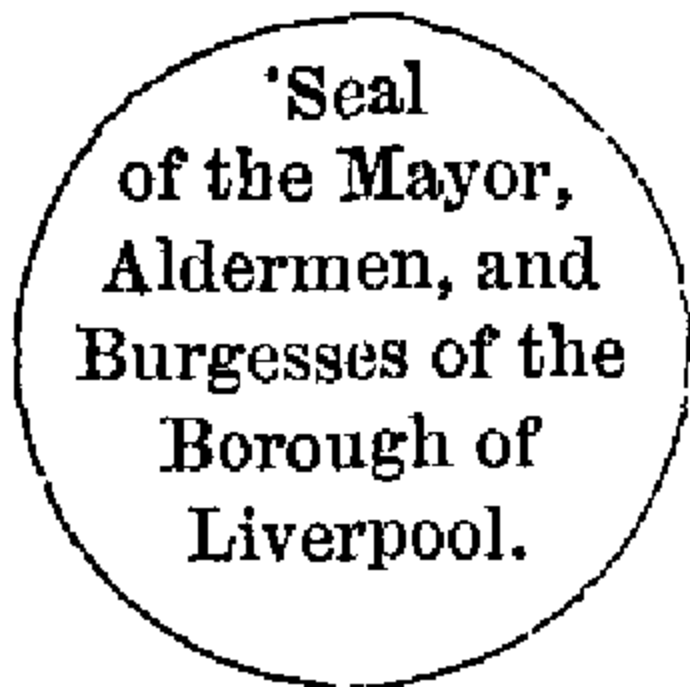
16. A formal agreement, and all proper deeds and instruments for carrying out this arrangement, to be settled, in case of difference, by John Horatio Lloyd,

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A.D. 1871. Esquire, or him failing, Francis Savage Reilly, Esquire, shall, if required by either party, be prepared and executed.



(Signed) J. G. LIVINGSTON, Mayor.



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