ANNO UNDECIMO

# VICTORIÆ REGINÆ.

## *Cap.* ix.

## An Act to enable the *Birkenhead* Dock Company to sell or lease their Land. [9th *June* 1848.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for constructing Docks, Walls, Warehouses, and other Works in* Birkenhead, and certain Persons and Corporations therein mentioned were thereby united into a Company for the Purpose of making and maintaining the Docks and other Works therein-after described, and were incorporated by the Name of "The *Birkenhead* Dock Company," with Power to purchase and hold Lands for the Purposes of the Undertaking; and it was enacted, that the Capital of the said Company should be One million Pounds; and the said Company were also empowered to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Three hundred and thirty thousand Pounds: And whereas previously to the passing of the said Act certain Persons, as Promoters of the said Undertaking, had contracted to purchase various Pieces of Land in *Birkenhead*, held under the Corporation of *Liverpool* for unexpired Terms of Seventy-five Years respectively, being Part of the Lands referred to by the said Act, and also a Piece or Parcel of Land not shown upon the Plan referred to in the said Act, for the Use and on the Behalf of the said Company, and all the said Pieces of Land have been since conveyed to or in trust for the said Company for the Purposes of the said Act: And whereas since the passing of

8 & 9 Vict. c. 60.

the said Act, under the Powers in that Behalf contained therein, and for the Purposes of the Works authorized thereby, the said Company have purchased a certain Piece of Land abutting on or near to *Wallasey Pool* in the County of *Chester* (being further Part of the Lands referred to in the said Act) from certain Parties who at the Time of the passing of the said Act were entitled thereunto, under Demise from the Corporation of *Liverpool*, for an unexpired Term of Seventy-five Years: And whereas the said Company have already expended various Sums of Money in and about the Purchases aforesaid, and the Construction of Warehouses, Workmen's Cottages, and other Works upon the Lands so purchased or contracted to be purchased by them as aforesaid, or have incurred Liabilities for the Purposes aforesaid to an Amount nearly equal to the whole Capital authorized to be raised by them: And whereas, under or by virtue of the several Purchases and Contracts herein-before mentioned or referred to, the said Company are possessed of or entitled to a greater Quantity of Land than with their present Amount of Capital they can employ with advantage for the Purposes of the said recited Act, and it is expedient that they should be empowered to sell or lease any Parts thereof, in manner herein-after mentioned, free from the Restrictions contained in the "Lands Clauses Consolidation Act, 1845," as to the Disposal of superfluous Lands, but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in the said recited Act, so far as the same are now unrepealed and in force, and except such of them or such Parts thereof as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

Certain Provisions of recited Act extended to this Act.

Power to Company to sell or lease any Lands purchased or contracted to be purchased by them or on their account free from Liabilities under recited Act.

II. And be it enacted, That it shall be lawful for the said *Birkenhead* Dock Company and their Successors, at any Time or Times after the passing of this Act, absolutely to sell and dispose of for all their Estate and Interest, as herein-after mentioned, to any Person or Persons, or Body or Bodies Corporate whatsoever, any Part or Parts of the several Pieces of Land, Hereditaments, and Premises purchased or contracted to be purchased by the said Company, or by any Person or Persons in trust for them, or for their Use or on their Behalf, under or by virtue of the said recited Act, or otherwise howsoever, with their and every of their Appurtenances, together or in Parcels, and in such Manner as the said Company shall think fit, with Powers to buy in the same Premises, or any Part thereof, at any Sale by Auction, or to rescind or vary any Contract which may be entered into for the Sale of the same Premises, or any Part thereof, and to re-sell the Premises which may be so bought in, or as to which the Contract for Sale thereof may be so rescinded, and also to make such Sale or Sales under any special Conditions as to the Title or otherwise as shall seem expedient to them; and upon Payment to them of the Purchase Money

Money for the same Premises, or any Part thereof, which shall be so sold by any Deed or Deeds of Conveyance or Assurance under their Common Seal, duly stamped, to grant and convey or assure the same Premises, or any Part thereof, which shall be so sold as aforesaid, with their and every of their Appurtenances, for all the Estate and Interest therein, which the said Company, or any Person or Persons in trust for them, or for their Use or on their Behalf, shall be seised or possessed of or entitled to, unto and to the Use of the Purchaser or Purchasers thereof respectively, his or their Heirs, Successors, Executors, or Administrators respectively, according to the Nature and Tenure thereof, or in such other Manner as he or they shall direct, freed and discharged from all Liberties, Easements, and Rights of Way over, upon, or along the said Premises, or any Part thereof, and all Liabilities, Penalties, Rates, Tolls, and Duties whatsoever, to which the same Premises are or may become subject or liable by virtue of the said recited Act, and free from all Restrictions as to the Sale of Lands not required for the Purposes of the Undertaking contained in the "Lands Clauses Consolidation Act, 1845;" and it shall also be lawful for the said Company and their Successors (if they so think fit) to demise and lease all or any Part of the Lands and Premises aforesaid, free from all such Liabilities and Restrictions as are herein-before mentioned or referred to, to any Person or Persons whomsoever, for any Number of Years, not exceeding their then Estate or Interest therein, as they shall think fit, and under such Conditions, and either at a Rent or without any Rent, as the said Company shall deem expedient; and the said Company may, if they think fit, accept and take any Fine for the granting of any such Lease, and may enter into any Agreement for the granting of any Lease on such Terms and Conditions as they may think fit, and on the granting the Leases in pursuance of such Agreement may alter the Amount of the Rents agreed to be reserved in such Leases, and may apportion the same, and grant separate Leases of any Part of the Premises by such Agreement agreed to be leased as they think fit, and may alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted for the Purpose of granting separate Leases of the same Premises at apportioned Rents, or under different Covenants, or otherwise in all respects as the said Company shall think fit; and all Sums of Money to be received by the said Company in respect of any such Sale or Lease as aforesaid shall be applied as Part of the general Funds of the said Company.

Expenses of Act.

III. And be it enacted, That all the Costs, Charges, and Expenses of applying for and obtaining this Act and incident thereto shall be paid by the said Company out of the Funds of the said Company, or out of the first Money to be raised or received by virtue of this Act.

Public Act.

IV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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