CHAPTER cxliii.

An Act to authorise the Mersey Docks and Harbour Board to construct new Docks and other Works on the Liverpool side of the River Mersey, and to borrow further moneys for that purpose. [21st July 1873.] A.D. 1873.

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, and in this Act called 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 the trade of the port of Liverpool has of late greatly increased and is still increasing, and it is essential for the accommodation of the trade that additional docks should be provided on the eastern or Liverpool side of the river Mersey:

And whereas it is expedient that, for the purpose of affording such additional accommodation, the Board be authorised to construct the docks and works in this Act mentioned, and to borrow further money on the security of the rates belonging to them:

And whereas plans and sections of the intended works, showing the lines or situation and levels thereof, and the lands (chiefly belonging to the Board) 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 such 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" respectively:

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

A.D. 1873.

Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Mersey Dock (Liverpool Dock Extension) Act, 1873."

Sect. 3. of 21 & 22 Vict. c. xcii., &c. incorporated.

2. So much of the "Mersey Dock Acts Consolidation Act, 1858," (in this Act called "the Act of 1858,") as relates to the meanings to be assigned to certain words and expressions (being section 3 of that Act), and the whole of Part XIII. of that Act (with respect to borrowing powers and dock debt), except so far as those meanings or provisions may be inconsistent with this Act, and sections 14, 15, and 16 of the "Harbours, Docks, and Piers Clauses Act, 1847," are incorporated with and form part of this Act.

Provisions of Acts herein named incorporated.

3. The Lands Clauses Consolidation Acts, 1845, (except the sections numbered 127 to 132 both inclusive,) 1860, and 1869, are incorporated with and form part of this Act, and in construing those Acts the Board shall be deemed the promoters of the undertaking.

Power to make works according to deposited plans.

4. Subject to the provisions of this Act, the Board may make and maintain, in the lines or situation and according to the levels shown on the deposited plans and sections, the works herein-after described, with all necessary and convenient shipping places, wharves, depôts, warehouses, sheds, custom houses, watch houses, staiths, jetties, landing-places, stages, quays, slips, gates, entrances, locks, cranes, hydraulic lifts, drops, dolphins, buoys, moorings, roads, approaches, railways, tramways, sewers, drains, and other works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and by this Act authorised are,—

(*a.*) A river wall commencing in the existing river wall of the Board at or near the south-west corner of the Government fort called the North Fort, running thence in a northerly direction for about 800 feet, and terminating in the existing river wall of the Board:

(*b.*) An alteration (in connexion with an intended extension and enlargement, under the existing powers of the Board, of the Canada Basin) of the northern pier at the entrance to that basin, and the removal of such part or parts of the said northern pier as it may be necessary or advisable to remove:

(*c.*) A new dock commencing at a point about 500 feet northward from the north side of the Canada Basin, and extending thence in a northerly direction for about 1,200 feet:

(*d.*) Three docks on the eastern side of the intended dock (*c.*), and respectively extending in length from east to west about 920 feet:

(*e.*) A dock immediately to the northward of the intended docks (*c.*) and (*d.*), and extending northward for a length of about 1,800 feet:

(*f.*) A dock immediately to the northward of the intended dock (*e.*), and lying between the river wall of the Board and the goods station of the Lancashire and Yorkshire Railway Company:

(*g.*) A dock to be situate between the Brunswick Dock and Sefton Street, and to extend in length from north to south about 1,130 feet:

(*h.*) A dock or passage commencing at or near the south-east corner of Brunswick Dock, and running thence in a southerly direction, and terminating at or near the northern side of Toxteth Dock:

(*i.*) A dock commencing at or near the termination of the intended dock or passage (*h.*), and extending thence in a southward or south-easterly direction for about 1,500 feet:

(*k.*) A dock commencing at or near the southern end of the intended dock (*i.*), and terminating at or near the northern side of Herculaneum Half-tide Dock:

(*l.*) An enlargement eastwardly of the Herculaneum Half-tide Dock for the distance of about 360 feet, with an arm of the width of 150 feet, and extending southward for about 680 feet from the south-east corner of the said half-tide dock as intended to be so enlarged:

(*m.*) A dock commencing at or near the south-east corner of the existing Herculaneum Half-tide Dock, and running thence in a southward or south-easterly direction for about 800 feet:

(*n.*) A portion of river wall, about 80 feet in length, commencing and terminating in the present river wall of the Board, for the purpose of closing the entrance to the Egerton Dock:

(*o.*) A portion of river wall, about 100 feet in length, commencing and terminating in the present river wall of the Board, for the purpose of closing up an inlet from the river Mersey.

Lateral and vertical deviations.

5. In executing the works by this Act authorised the Board may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon, and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet.

A.D. 1873.

Confirming scheduled agreement.

6. The agreement between Her Majesty's Principal Secretary of State for the War Department of the one part and the Board of the other part, a copy of which is set forth in the schedule to this Act, is hereby confirmed, and full effect shall be given thereto accordingly.

Power to take water from river Mersey.

7. For the purpose of supplying the proposed docks and works with water, the Board may from time to time take, divert, and impound water from the river Mersey.

Authorising dealings with property of the duchy of Lancaster.

8. And whereas it is expedient that this Act should contain certain provisions relative to lands, hereditaments, estates, rights, and interests belonging to the Queen's most Excellent Majesty in right of her duchy of Lancaster (in the rest of this section called "the duchy") as are herein-after contained: Be it therefore enacted that,—

As to the sale of lands.

(1.) With respect to any lands belonging to Her said Majesty in right of the duchy which may be required for the purposes of this Act, the following provisions shall (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting in the said last-mentioned lands) have effect; that is to say, the chancellor and council for the time being (herein-after called "the chancellor and council") of the duchy may agree with the Board for the absolute sale in fee simple of all or any of the said last-mentioned lands, or any part thereof, in consideration of such gross sum of money or of such annual rentcharge, or in consideration partly of such gross sum and partly of such annual rentcharge payable by the Board, and upon such terms and conditions in all respects as shall be settled between the chancellor and council and the Board; and in case the same lands shall be subject jointly with any other lands to any lease or tenancy for a life or lives or a term of years unexpired, the chancellor and council may agree as well with the Board as also with the lessee or tenant for the apportionment of the rent payable in respect of the lands comprised in such lease or tenancy between the lands agreed to be sold and such other lands; and upon payment of such (if any) agreed gross sum, and upon such (if any) agreed rentcharge being secured in manner herein-after provided, the chancellor and council may grant and assure the same lands and the fee simple and inheritance thereof to the Board, their successors and assigns, for the purposes of this Act, and (if the same lands shall be subject jointly with any other lands to any such lease or tenancy as aforesaid) may apportion or concur with all other

necessary parties in apportioning the rent payable in respect of the lands comprised in such lease or tenancy between the lands so granted and assured and such other lands:

As to the application of purchase moneys.

(2.) With respect to any gross sum of money which under this section shall become payable in consideration of any sale or release thereby authorised, the following provisions shall have effect; that is to say,

Each such sum shall be paid into the hands of the receiver-general of the revenues of the duchy, or of his sufficient deputy or deputies, and a receipt shall be given by him or them for the same:

And such sum shall be applicable and dealt with to all intents and purposes as if it were the purchase money of lands sold by the chancellor and council under the authority of "The Duchy of Lancaster Lands Act, 1855;" and the chancellor and council shall for the purposes of this Act have and be entitled to the benefit of all such powers and provisions in reference to moneys invested in bank annuities under this present section as under "The Duchy of Lancaster Lands Act, 1855," they are entitled to concerning moneys invested in bank annuities under that Act:

As to the rentcharges payable to the duchy.

(3.) With respect to any annual rentcharge which under this section shall become payable in consideration of any sale or release by this section authorised, the following provisions shall have effect; that is to say,

Each such annual rentcharge shall be a perpetual rentcharge, and shall be such charge on the toll or rates payable under this Act, and shall be recoverable in like manner as by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," provided concerning the rentcharges thereby authorised to be granted; and shall, if the chancellor and council think fit, be otherwise secured in such manner as may be settled between the chancellor and council and the Board:

And the same shall be limited to the use of Her said Majesty, her heirs and successors, in right of the duchy, and shall vest in her and them in the same right as fully and effectually as the lands or hereditaments which shall be granted, assured, or released in consideration of the same annual rentcharge stood vested in her and them immediately before such grant and assurance thereof:

Provided that every such annual rentcharge shall be subject to the same application to all intents and purposes as the rents

A.D. 1873.

and profits of the said lands or hereditaments to be granted or assured in consideration thereof would be subject if the same lands or hereditaments had not been so granted and assured :

As to the enrolment of deeds.

(4.) Any lands, hereditaments, estate, right, or interest conveyed or assured or released by the chancellor and council by virtue of any of the foregoing provisions of this section, shall be so conveyed, assured, or released in the name of Her said Majesty, her heirs or successors, in right of the duchy, and by deed or writing under the seal of the duchy, and every such deed or writing shall be enrolled in the Court of the Duchy Chamber of Lancaster within six calendar months from the date thereof.

As to future accretions.

9. Whereas all lands to the seaward of the lands by this Act authorised to be reclaimed now are below the line of ordinary high-water mark ; therefore if any land to the seaward of the lands by this Act authorised to be embanked or reclaimed shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly, or otherwise, so as to be above instead of below such line of ordinary high-water mark, the Board shall not, by virtue of the ownership of any lands which they are by this Act empowered to reclaim, have any estate, right, or interest in or to the land so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the works by this Act authorised, or otherwise, but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty, or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same, and as if the same had continued as the same now is subject to the flow and reflow of the ordinary tides.

Saving rights of the duchy of Lancaster.

10. Nothing contained in this Act or in any of the Acts herein referred to shall extend or operate to authorise the Board to take, use, or enter upon, or in any manner interfére with any land, soil, water, or hereditaments, or any manorial rights, or any other rights of whatsoever description belonging to Her said Majesty in right of her duchy of Lancaster, without the consent in writing of the chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give), or take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable

by Her Majesty, her heirs or successors, in right of her said duchy. A.D. 1873

For protection of sewers and other works in the borough of Liverpool.

11. In constructing within the borough of Liverpool the works by this Act authorised the Board shall conform to and observe the following provisions, regulations, and restrictions; that is to say,

(1.) Whenever it may be necessary to interrupt or interfere with any existing sewer or drain the Board shall, before interrupting or interfering with such existing sewer or drain, construct, according to a plan to be approved of by the corporation of Liverpool, another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be interrupted or interfered with, and such new and substituted sewer or drain shall be connected by and at the expense of the Board with any existing sewers or drains which were connected with the sewer or drain so interrupted or interfered with, and in such manner as shall be approved of by the said corporation:

(2.) If by reason of the construction of the docks and works connected therewith by this Act authorised any increased length of sewers or drains shall become necessary, the same shall be constructed by and at the expense of the Board, of such capacity, upon such plan, and in such manner as shall be approved of by the said corporation:

(3.) If by reason of the construction of the docks and works connected therewith by this Act authorised the said corporation shall at any time necessarily incur any cost in altering any existing sewer or drain, the Board shall repay to the said corporation such additional cost, and the same may be recovered in default of payment in any court of competent jurisdiction:

(4.) When any existing sewer or drain, new or substituted sewer or drain, or altered sewer or drain, shall be so situated that convenient access thereto may be obtained through the property acquired or works executed by the Board under the powers of this Act, the Board shall, when required by the said corporation, make and maintain such access, and the said corporation shall, by their officers, workmen, and servants, be at liberty at all reasonable times to use the same for the purpose of inspecting the condition of any such sewer or drain:

(5.) Whenever the mains or water pipes of the said corporation used in connexion with the existing supply of water shall be

A.D. 1873.

severed or interfered with by the works authorised by this Act, and wherever it is necessary for maintaining the existing supply of water to lay additional mains or water pipes, such additional mains or water pipes shall, previous to the severance or interference, be made by the corporation at the expense of the Board.

Saving rights under "Liverpool Sanitary Act, 1846."

12. Nothing herein contained shall prejudice or affect the rights or liabilities of the corporation and the Mersey Docks and Harbour Board respectively, with respect to sewers or drains, under the Act 9 and 10 Vict. cap. 127. ("Liverpool Sanitary Act, 1846").

Works to be docks within meaning of Act of 1858.

13. For the purposes of rates and for all other purposes the works by this Act authorised, and each and every of them, shall be deemed to be docks within the meaning of the Act of 1858.

Power to Board to charge differential rates.

14. The Board may, if they think fit, from time to time during the period of ten years from the passing of this Act, charge in respect of any of their docks, or of any portion of any of their docks, or in respect of any particular trade or trades using any such dock or portion of dock, such rates lower than the rates prescribed by "The Mersey Dock Acts Consolidation Act, 1858," or other Act regulating the said rates in force for the time being, as they may think expedient, without lowering the same rates in respect of any other dock or any other portion of the same dock or any other trade, and such rates being so lowered may be afterwards from time to time raised or lowered as the Board may see fit: Provided always, that the said rates shall not exceed the rates prescribed by "The Mersey Dock Acts Consolidation Act, 1858," or other Act regulating the said rates in force for the time being.

Board to provide dock accommodation for owners of the Egerton Dock.

15. The Board shall provide and afford to the owners of the Egerton Dock, their heirs, successors, and assigns (herein-after called the dock owners), in perpetuity and free of all charge, quay and water space and dock accommodation equally favourable in every respect to the quay and water space and dock accommodation which the Egerton Dock affords to the dock owners, and shall provide for and convey to the dock owners land for wharf and siding accommodation adjoining the said quay and water space equally available for railway siding purposes as the land now belonging to the dock owners adjoining the said Egerton Dock, with full and free liberty for the dock owners to have access to and from the land so to be given to them as aforesaid.

Free of dues, &c.

16. The right of quay and water space by this Act directed to be provided and afforded to the dock owners, and the right of ingress

and egress to and from the river Mersey, shall be at all times enjoyed by them free from all dock dues and charges whatsoever, but subject nevertheless, so far as relates to the right of ingress and egress to and from the quay, water space, and dock accommodation to be provided and afforded as aforesaid into and out of the river Mersey, to the byelaws and regulations of the Board in respect of the entrance into and exit from their docks.

Dock accommodation to be given in lieu of existing accommodation.

17. The provision herein contained requiring the Board to provide quay, water, and dock accommodation, and land adjoining shall be accepted by the dock owners in lieu and exchange for the Egerton Dock and land adjoining thereto belonging to them intended to be taken by the Board for the purposes of this Act; and in case the Board and the dock owners shall disagree as to the nature and extent of the quay and water space and dock accommodation, and the access thereto to be provided for and afforded to the dock owners, or the position or quantity of the land to be given and conveyed to them under the provisions of this Act, the matter in dispute shall be referred to arbitration in the manner provided by "The Common Law Procedure Act, 1854."

Board not to take Egerton Dock and land adjoining till new dock and other accommodation provided.

18. The Board shall not take or acquire any lands belonging to the dock owners until they shall have provided and afforded to the dock owners the quay and water space and dock accommodation, and given and conveyed to them the land by this Act directed to be provided, afforded, given, and conveyed to them, or shall have provided such temporary quay and water space and dock and other accommodation as in case of dispute may be decided by arbitration in manner aforesaid, nor unless and until the Egerton Dock and the lands of the dock owners adjoining thereto shall be actually required for the purposes of constructing and completing the docks and works shown on the deposited plans and described in sub-sections *g.*, *h.*, *i.*, *k.*, *l.*, and *m.*, of section 4 of this Act.

Further borrowing powers.

19. Subject to the provisions of this Act, the Board may for the purposes of this Act borrow at interest on the security of the rates for the time being belonging to them (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 four million one hundred thousand pounds: Provided always, that of that sum the Board shall not borrow in any one year more than the sum of five hundred thousand pounds.

Application of moneys borrowed under this Act.

20. All moneys borrowed by the Board under the authority of this Act shall be applied by them for purposes of this Act, and not otherwise.

A.D. 1873.

Board to convert low-water basin at Birkenhead into a wet dock &c.

21. The Board shall, within four years from the passing of this Act, convert the low-water basin at Birkenhead into a wet dock, as authorised by the "Mersey Docks (Outer Works Alteration) Act, 1866," and shall construct and for ever after maintain the said wet dock of a depth of not less than fourteen feet below the level of the old dock sill at Liverpool, and shall also within the said period of four years erect, construct, and open for traffic all such quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances as may be necessary or proper for the accommodation of traffic at the said dock, and as in the judgment of an engineer to be selected by the Board of Trade it may be practicable and safe then to provide. If the said wet dock, quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances shall not be completed within the said period of four years, the borrowing powers conferred by this Act on the Board shall, so far as not then exercised, cease and determine: Provided that if in the opinion of such engineer as aforesaid the warehouses cannot consistently with safety or expediency be constructed within the said period of four years, it shall be lawful for such engineer to postpone the construction of the same for such time and on such terms as he may think reasonable and proper, and thereupon the non-completion of the warehouses under such circumstances within the said period of four years shall not operate to determine the exercise of the borrowing powers of the Board if and so long as the Board comply with the directions of the said engineer in regard to the warehouses. All disputes which may arise between the Board and the Birkenhead Improvement Commissioners or the Great Western Railway Company as to the necessity or propriety of any such quay, warehouse, sheds, rails, cranes, work, convenience, or appliance as aforesaid, or as to the situation, size, or mode of construction thereof, or otherwise in relation thereto, shall be determined by an engineer to be appointed by the Board of Trade, and the order of such engineer shall be final and conclusive on all parties. After the opening for traffic of the said wet dock the Board shall at all times thereafter maintain the same, and all quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances as aforesaid in an efficient state of repair for the accommodation of traffic.

Expenses of Act.

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.

The SCHEDULE referred to in the foregoing Act.

It is agreed between Her Majesty's Principal Secretary of State for the War Department of the one part, and the Mersey Docks and Harbour Board (herein-after referred to as "the Board") of the other part, as follows; that is to say,

1. Her Majesty's Secretary for the War Department agrees to sell, and the Board agree to purchase for the sum of 10,000*l.*, all the right, title, and interest of Her Majesty's Secretary for the War Department, under an agreement dated the 27th day of September 1850, made between the trustees of the Liverpool Docks of the one part and the principal officers of Her Majesty's Ordnance of the other part, or otherwise howsoever, of and in the piece of land described in the first schedule hereunder written and delineated, and coloured pink in the plan A. annexed to this agreement, together with the fort or battery and all other buildings now erected and standing thereon, and also of and in the carriage road or way leading from the said battery to Regent Road, or the continuation of such road mentioned in the said agreement.

2. On the 1st day of January 1874 possession of the piece of land and buildings mentioned in clause 1 of this agreement shall be given to the Board, and thereupon the said agreement of the 27th day of September 1850 shall be deemed to be cancelled in all respects.

3. Upon the completion of the new fort, to be called the "Seaforth Battery," which is now being constructed, the Board shall demise to Her Majesty's Secretary for the War Department, in trust for Her Majesty and her successors, free of rent, the piece of land forming the site of the said Seaforth Battery, described in the second schedule hereunder written, and delineated and coloured yellow in the plan B. annexed to this agreement, with all the buildings thereon, for a term of 1,000 years, which shall be deemed to have commenced on the 28th day of September 1850.

4. Her Majesty's Secretary for the War Department hereby acknowledges that in addition to the sums which the Board are now expending on the Seaforth Battery on account and at the request of Her Majesty's Secretary for the War Department, and which are to be repaid by him to the Board, the Board, in accordance with a provisional arrangement in that behalf between Her Majesty's Secretary for the War Department and the Board, have already at his request and to his satisfaction expended upon the works of the said Seaforth Battery the under-mentioned sums payable under such arrangement and under this agreement by the Board to Her Majesty's Secretary for the War Department, and that the Board have thereby fulfilled all their engagements with Her Majesty's Secretary for the War Department other than the payment of the said sum of 10,000*l.* mentioned in clause 1 of the said agreement.

A.D. 1873.

(*a.*) The sum agreed to be paid by the Board to Her Majesty's Secretary for the War Department in respect of works commenced by the Government in connexion with a fort proposed to be erected near the Bootle Land Marks, but which at the request of the Board was abandoned on an arrangement that a new fort should be constructed on the site of the Seaforth Battery above mentioned - - £8,500

(*b.*) The sum which would have been expended by the Board on the river wall on the site of the Seaforth Battery had that battery not been placed there - - - - 6,725

£15,225

5. The Board will at their own cost make, and at all times hereafter maintain in good condition, a good road of at least ten yards wide from the Seaforth Battery to the road forming the continuation northwardly of Regent Road between the points C. and D. on the said plan B., and Her Majesty and her successors shall at all times during the term above mentioned enjoy the free and uninterrupted use of such road for all purposes in connexion with the Seaforth Battery.

6. The Board will at all times, when required by Her Majesty's Secretary for the War Department, or his successors in that office, give every facility for the introduction to the Seaforth Battery through and over their estate, and for the subsequent examination, repair, or reinstatement of pipes for supplying gas and water to the said battery from the mains of any corporation or company who may undertake to furnish such supply, and Her Majesty's Secretary for the War Department, and his successors in that office, will in all cases reinstate and restore to its former condition any road, quay, land, stone, brickwork, or property of the Board which may be broken up, pulled down, removed, or altered for the laying down, examination, repair, or reinstatement of any such pipes.

7. During the continuance of the demise to be made as above mentioned, the Board, or their successors or assigns, will not erect or construct, or allow to be erected or constructed, within the radius shown by the line coloured blue on the said plan B., any building of any kind other than those permitted by section 34 of "The Defence Act, 1860," without having first obtained the written consent of Her Majesty's Secretary for the War Department, or of his successor for the time being in that office, for that purpose; and further, that the height of that part of any such building which may be erected with such consent which shall face the said battery shall not under any circumstances exceed forty feet from the surface of the ground.

8. During the continuance of the demise to be made as aforesaid, the Board, or their successors or assigns, will not construct or allow to be constructed any dry or wet dock, canal, or other excavated work for the use of vessels of any kind within thirty yards from any part of the Seaforth Battery without having first obtained such written consent for that purpose as is specified in the last preceding clause of this agreement; and further, that no work which may be executed under this clause with such consent shall under any circumstances be made so near the said battery as to injure or endanger the founda-

tions thereof, or as to admit of the yards of any vessel using such work coming within the distance of five yards from any wall of the said battery.

9. All proper conveyances and assurances shall be made and executed which may be requisite for giving full effect to this agreement.

10. The parties hereto respectively will use their best endeavours to obtain the insertion in the Mersey Docks and Harbour Board Bill (No. 1), now before Parliament, of a clause for confirming and giving parliamentary sanction to this agreement. In witness whereof the Board have hereunto affixed their seal, and Her Majesty's Secretary for the War Department has hereunto set his hand, the 5th day of May 1873.

The First Schedule referred to by the above-written Agreement.

All that piece of land, containing by admeasurement 7,000 square yards or thereabouts, situate in the borough of Liverpool, formerly part of the shore of the Mersey, lying on the westwardly side of and near to the passage between the Canada and Huskisson Docks, bounded on the northwardly, eastwardly, and southwardly sides thereof by land of the Board, and on the westwardly side by the river Mersey, and which said piece of land, now forming the site of the fort known as the North Fort, is delineated and is coloured pink in the plan A. annexed to this agreement.

The Second Schedule referred to in the above-written Agreement.

All that piece of land, containing by admeasurement 4,130 square yards or thereabouts, situate in the borough of Bootle-cum-Linacre, at the north-west angle of the estate of the Board, formerly part of the shore of the Mersey, and bounded on the westwardly side thereof by the river Mersey, and on all other sides thereof by land of the Board, and which said piece of land, which forms the site of a battery now being constructed thereon, intended to be called the Seaforth Battery, is delineated and is coloured yellow in the plan B. annexed to this agreement.

(Signed) Edward Cardwell.

Witness Rob. Biddulph,
Cl., R.A.

Passed under the common seal of the Mersey Docks and Harbour Board in the presence of

W. Langton,
Chairman.

Seal of the Mersey Docks and Harbour Board.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1873.