CHAPTER cxliv.

An Act to authorise the Mersey Docks and Harbour Board to construct a new Landing Stage opposite the South Reserve at Birkenhead, and confirm an Agreement with reference thereto between the said Board and the London and North-western and Great Western Railway Companies; and for other purposes. [21st July 1873.] A.D. 1873.

WHEREAS the Mersey Docks and Harbour Board (in this Act called the "Board") promoted in the session of 1866 a Bill, which afterwards passed into an Act under the title of "The Mersey Docks (Outer Works Alteration) Act, 1866," for, amongst other things, enabling the Board to convert their low-water basin at Birkenhead into a wet dock, and the London and North-western Railway Company and the Great Western Railway Company (in this Act called "the two companies") respectively presented petitions to Parliament against the said Bill:

And whereas on the thirteenth day of March 1866 a memorandum of arrangements (which was subsequently confirmed by the Board, and a copy whereof is set forth in the schedule to this Act) was entered into by the parliamentary committee of the Board on the one side and the two companies on the other side, whereby, amongst other things, the parliamentary committee agreed (article 3) to recommend the Dock Board to remove a certain landing-stage from the site which it then occupied in the low-water basin, and if called upon by the two companies to place a portion of the same outside the river wall in such a position as should be determined by the Dock Board, the control of the stage to be in the hands of the Board, the two companies agreeing to pay a moiety of the cost of removal and reconstruction, or an annual rental in lieu thereof, and thereupon the petitions of the two companies against the said Bill were withdrawn:

And whereas on the twenty-fifth day of October 1872 (the said landing-stage not having been up to that time removed from the

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position which it occupied in 1866) the Board on the one part and the two companies on the other part entered into the agreement (a copy whereof is also set forth in the schedule to this Act) modifying in various respects the terms and conditions of the said memorandum of arrangements of the thirteenth day of March 1866:

And whereas the landing-stage and works by this Act authorised have been designed in accordance with and are intended to be erected and placed in the position contemplated by the said agreement of the twenty-fifth day of October 1872, and their erection and construction would be of public advantage, and it is expedient that the Board be authorised to erect and construct the same:

And whereas it is expedient that the said last-mentioned agreement and the said memorandum of arrangements of the thirteenth day of March 1866, so far as it is not inconsistent with or varied by the said agreement, be confirmed and made binding on the Board and the two companies respectively:

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 such lands, have been deposited with the clerk of the peace for the county of Chester, 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 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 (South Reserve Landing Stage) Act, 1873."

Sect. 3 of 21 & 22 Vict. c. xcii. 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, are incorporated with and form part of this Act.

Provisions of general Acts herein

3. "The Lands Clauses Consolidation Acts, 1845," (except the sections numbered 127 to 133, 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.

named incorporated.

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 proper approaches, moorings, mooring chains, 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,—

Power to make works according to deposited plans.

(*a.*) Two piers or fixed stages commencing respectively in the river wall of the Board, the one at a point about two hundred feet north-eastward from the north-east corner of the river craft dock belonging to the Great Western Railway Company upon the South Reserve, and the other at a distance of about two hundred and twenty feet to the northward of the commencement of the first-described pier or fixed stage, and extending respectively eastward or riverward for a distance of about fifty feet:

(*b.*) A floating landing-stage (supported on pontoons) of the length of about three hundred and fifty feet, and to be placed in the river Mersey at the distance of about two hundred feet from the river wall of the South Reserve:

(*c.*) Two bridges to connect the proposed piers or fixed stages above described with the proposed floating landing-stage.

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.

Lateral and vertical deviations.

6. The works by this Act authorised 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.

7. Previously to commencing any work whatever as authorised by this Act the Board shall deposit at the Admiralty Office plans, sections, and working drawings of the said work for the approval of the Lords of the Admiralty, such approval to be signified in

Plans of works to be submitted for the approval of the Admiralty.

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writing under the hand of the Secretary of the Admiralty, and every such work shall be constructed only in accordance with such approval; and when any such work shall have been commenced or constructed it shall not be lawful for the Board at any time to alter or extend the same without obtaining, previously to making any such alteration or extension, the like consent or approval; and if any such work shall be commenced or completed, or be altered, extended, or constructed contrary to the provisions of this Act, it shall be lawful for the Lords of the Admiralty to abate, alter, and remove the same and to restore the site thereof to its former condition at the cost and charge of the Board, and the amount thereof shall be a debt due from the Board to the Crown and be recoverable accordingly with costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Board.

Works affecting tidal waters abandoned may be removed by Admiralty at expense of Board.

8. If any work to be constructed by the Board under the authority of this Act in, under, over, through, or across the river Mersey or any tidal water, or if any portion of any such work which affects or may affect any such water or river or access thereto, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Lords of the Admiralty to abate and remove the same or any such part or parts thereof as they may at any time or times deem fit and proper, and to restore the site thereof to its former condition at the cost and charge of the Board, and the amount thereof shall be a debt due from the Board to the Crown, and if not paid upon demand may be recovered as a debt due to the Crown with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Board.

Works to be works within sect. 64 of Act of 1858.

9. The works by this Act authorised, and every part thereof respectively, shall be deemed to be works within the meaning of section 64 of the Act of 1858.

Works by this Act authorised to be deemed part of the works referred to in sect. 57 of 20 & 21 Vict. c. 162.

10. The works by this Act authorised to be constructed shall, for the purpose of authorising the Board to borrow and take up money at interest, be deemed and taken to be part of the Birkenhead docks and works referred to in the 57th section of "The Mersey Docks and Harbour Act, 1857," for the completion whereof the Board were authorised to borrow and take up money at interest, and any rate or rates, or any dues for the time being forming part of their general receipts, shall be the security on which such money may be borrowed.

Confirming agreement, &c. in schedule.

11. The agreement dated the twenty-fifth day of October one thousand eight hundred and seventy-two (a copy whereof is set forth in the schedule to this Act) and the memorandum of arrange-

ments dated the thirteenth day of March one thousand eight hundred and sixty-six (a copy whereof is also set forth in the schedule to this Act), so far as the same is not inconsistent with or varied by the said agreement, are hereby confirmed and made binding on the Board and the two companies respectively.

Power to the two companies to apply moneys.

12. For the purposes of any payment to be made by them under the agreement of the twenty-fifth day of October one thousand eight hundred and seventy-two, by this Act confirmed, each of the two companies may apply their funds and revenues.

Saving rights of the Crown in the foreshore.

13. Nothing contained in this Act shall authorise the said Board to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act 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.

Saving rights of the Birkenhead Improvement Commissioners.

14. This Act shall be subject and without prejudice to the provisions contained in the 63rd, the 64th, and 65th sections of the Birkenhead Railway Vesting Act, 1861, and nothing in this Act contained shall be held or construed to annul, alter, prejudice, or affect any of the rights, privileges, powers, or authorities of the Birkenhead Improvement Commissioners or other the owners for the time being of the Woodside Ferry.

Expenses of Act.

15. 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.

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SCHEDULE referred to in the foregoing Act.

13th March 1866.—Memorandum of Arrangements agreed to between the Parliamentary Committee of the Mersey Docks and Harbour Board and the London and North-western and Great Western Railway Companies in reference to the Bill for closing the Low-water Basin and Morpeth Basin, &c. at Birkenhead promoted by the Dock Board and now before Parliament.

No. 1. The parliamentary committee agree to recommend the Dock Board to appropriate to the use of the London and North-western and Great Western Railway Companies so much of the quay space (as may be requisite for their traffic) between the land occupied by the two railway companies on the South Reserve and the Morpeth Dock on the one side and the Egerton Dock on the other side, on such terms and for such period as shall be mutually agreed upon, any rights of the railway companies under existing Acts being taken into consideration in arranging such terms.

No. 2. The parliamentary committee agree to recommend the Dock Board to erect suitable sheds, such as the railway companies may require, on the margins of the said quays, subject to such rent as may be mutually agreed upon.

No. 3. The parliamentary committee agree to recommend the Dock Board to remove the landing-stage from the site it now occupies in the low-water basin, and, if called upon by the railway companies, place a portion of the same outside the river wall, in such a position as shall be determined by the Dock Board; the control of the stage to be in the hands of the Board, the railway companies agreeing to pay a moiety of the cost of removal and reconstruction, or an annual rental in lieu thereof; the question of the expense of maintenance to be reserved for future consideration.

No. 4. The railway companies consent to the formation of the low-water basin at Birkenhead into a dock, and the other alterations included in the Bill.

No. 5. The parliamentary committee agree to recommend the Dock Board to recoup to the railway companies the second year's rent for the land on the South Reserve, namely, sixpence per yard.

No. 6. The parliamentary committee agree to recommend the Dock Board to set apart a convenient space on the quay, on the Liverpool side of the river, near the George's Landing Stage, upon which a small waiting room for passengers may be erected, subject to such terms as the Dock Board may determine.

(Signed) Ra. Brocklebank,
Chairman Mersey Board.

(Signed) J. A. Tobin,
Chairman Parliamentary Commᵉᵉ. Dock Board.

For London and North-western Company:
(Signed) James Bancroft.

For the Great Western Railway:
(Signed) C. Alexander Wood.

Mersey Board and the Railway Companies. A.D 1873.

The Dock Board to be at liberty to appropriate berths or erect sheds or other buildings on the quays around the low-water basin or elsewhere, except in the places appropriated to the railway companies under this Memorandum.

I undertake to insert the above clause in the Memorandum of Agreement if Mr. North requires it.

(Signed) Jas. Blenkinsop.

13th March 1866.

The Mersey Docks and Harbour Board (herein-after called "the Board") on the one part, and the London and North-western Railway Company and the Great Western Railway Company (herein-after called "the companies") on the other part, hereby agree with each other as follows, namely:

1. The landing-stage to be constructed and placed outside the river wall at Birkenhead pursuant to the 3rd clause of a "Memorandum of Arrangements," dated the 13th March 1866, (a copy of which is hereunto annexed,) as soon as the necessary parliamentary authority for that purpose shall have been obtained as herein-after mentioned, shall be of the dimensions and shape shown in the plan hereunto annexed, and shall be connected with the shore by bridges in the manner described in such plan, subject only to such modifications as may be mutually agreed upon by the Board and the companies.

2. Instead of constructing the said landing-stage from a portion of the landing-stage now in the low-water basin at Birkenhead, as provided by the 3rd clause of the said "Memorandum of Arrangement," the said landing-stage to be placed off the river wall shall be a new stage to be provided by the Board at their own cost, save as herein-after mentioned.

3. The said new landing-stage and bridges shall be well and efficiently constructed, and such stage shall be fully equal, as regards strength and quality of materials and workmanship, to the landing-stage contemplated by the third clause of the said "Memorandum of Arrangement."

4. When the said new stage shall be completed and placed in the position which it is intended to occupy permanently the companies shall pay to the Board, towards the expense thereof, the sum of 5,500*l.*, being one moiety of the estimated cost of the removal and reconstruction contemplated by the 3rd clause of the said "Memorandum of Arrangement."

5. The Board engage, in the next session of Parliament, to promote and to use their best endeavours to obtain the passing of a Bill which, if so required by the companies or thought desirable by the Board, shall be framed solely for conferring upon them all powers and authorities which may be necessary to enable them to construct the said landing-stage, and the bridges and works connected therewith, and to place the same outside the river wall off the South Reserve, and to raise the necessary capital for such purposes, and also all such powers (if any) as may be requisite in relation to the maintenance and control of the said landing-stage, and to confirm the aforesaid Memorandum of Arrangement of the 13th March 1866, except so far as modified or varied by these

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presents. If from any cause the Board should fail to obtain the passing of the said Bill in the next session of Parliament they shall renew their application for such Bill in the succeeding session, and shall use their best endeavours to procure the passing thereof.

6. The companies shall use their best endeavours to assist the Board to obtain the passing of the Bill mentioned in the last preceding paragraph, and shall, if such Bill shall at the request of the companies be framed solely for the purposes in such paragraph mentioned, pay to the Board one moiety of the expense to be incurred by them in promoting and endeavouring to procure the passing of the said Bill.

7. If the Board shall in two succeeding sessions of Parliament fail to obtain the passing of a Bill to be promoted by them, as provided by clause 5 of this agreement, the companies or either of them may, in any Bill to be subsequently promoted by them or either of them, insert proper provisions for obtaining the confirmation by Parliament of this agreement, and the Board shall use their best endeavours to assist the companies or either of them in getting such provisions passed by Parliament.

8. The Board shall be at liberty at any time after the date of this agreement to remove the landing-stage now in the low-water basin at Birkenhead, and to use so much of the same as may be required for the purposes of or in connexion with any of the works authorised by "The Mersey Docks (Liverpool River Approaches) Act, 1871," and to use the remainder of such stage (if any) in such manner as they may think proper.

9. Nothing herein contained shall vary or affect all or any of the rights, powers, or obligations of the Board and the companies respectively, except so far as is herein expressly provided.

Dated the twenty-fifth day of October 1872.

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.

S. Reay,
Secretary.

Seal of the London and North-western Railway Company.

J. D. Higgins, Asst. Secy.

Seal of the Great Western Railway Company.

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