CHAPTER ii.

An Act for confirming, so far as the same may be necessary, certain Awards made with reference to the provisions of the Mersey Dock (Liverpool Dock Extension) Act, 1873, and an Agreement made between the Mersey Docks and Harbour Board, the Birkenhead Improvement Commissioners, and the Great Western Railway Company; and for other purposes. [24th April 1877.] A.D. 1877.

WHEREAS by "The Mersey Docks (Outer Works Alteration) Act, 1866," (in this Act called "the Act of 1866,") it was enacted (section 3) that at any time after the passing of that Act the Mersey Docks and Harbour Board (in this Act called "the Board") might make and maintain and do certain works, matters, and things, with a view to the conversion of the Great Low-water Basin at Birkenhead into a wet dock: 29 & 30 Vict. c. lxxxiv.

And whereas by "The Mersey Dock (Liverpool Dock Extension) Act, 1873," (in this Act called "the Act of 1873,") the Board were (section 19) empowered for the purposes of that Act to borrow as therein mentioned any sum or sums not exceeding in the whole four million one hundred thousand pounds; provided always, that of that sum the Board should not borrow in any one year more than the sum of £500,000: 36 & 37 Vict. c. cxliii.

And whereas by the Act of 1873 it was further provided (section 21) that the Board should within four years from the passing of that Act convert the Low-water Basin at Birkenhead into, and maintain the same as, a wet dock as therein mentioned, and should 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 might 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 might be practicable and safe then to provide; and that if the

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said wet dock, quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances should not be completed within the said period of four years, the borrowing powers conferred by that Act on the Board should, so far as not then exercised, cease and determine; and it was by the same section provided, that if in the opinion of such engineer as aforesaid the warehouses could not consistently with safety or expediency be constructed within the said period of four years, it should be lawful for such engineer to postpone the construction of the same for such time and on such terms as he might think reasonable and proper, and thereupon the non-completion of the warehouses under such circumstances within the said period of four years should not operate to determine the exercise of the borrowing powers of the Board if and so long as the Board should comply with the directions of the said engineer in regard to the warehouses; and that all disputes which might arise between the Board and the Birkenhead Improvement Commissioners (in this Act called "the Commissioners") or the Great Western Railway Company (in this Act called "the 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, should be determined by an engineer to be appointed by the Board of Trade, and that the order of such engineer should be final and conclusive on all parties:

And whereas on or about the first day of June one thousand eight hundred and seventy-five the Board of Trade, in exercise of the powers vested in them by the Act of 1873, selected and appointed Colonel William Yolland (herein-after referred to as "the referee") as the engineer for the purposes named in section 21 of that Act:

And whereas the referee having heard and considered the evidence and representations submitted to him on behalf of the Board, the Commissioners, and the Railway Company respectively, made and published his award or order in writing, dated the 15th day of December 1875, (in this Act referred to as "the first award,") a copy whereof is set forth in the First Schedule to this Act:

And whereas subsequently to the making of the first award, and on or about the 25th day of September 1876, the Board and the Commissioners and the Railway Company entered into the agreement (in this Act referred to as "the agreement of 1876") a copy whereof is set forth in the Second Schedule to this Act:

And whereas, in conformity with the 9th article of the agreement of 1876, the Board, the Commissioners, and the Railway Company made an application to the referee in writing, dated the 25th day of

September 1876, a copy of which is set forth in the Third Schedule to this Act:

And whereas, upon the said application of the 25th day of September 1876, the referee made a further award or order in conformity therewith and with the agreement of 1876, dated the 17th day of November 1876, (in this Act referred to as "the supplemental award,") a copy whereof is set forth in the Fourth Schedule to this Act:

And whereas the Board have removed the landing stage upon the south side of the Low-water Basin mentioned in the 3rd section of the Act of 1866, and have erected upon the site thereof the wharf which by the first award of the referee they were ordered to construct in that position, and they are proceeding with the execution of the other works mentioned in the 3rd section of the Act of 1866:

And whereas the period of four years mentioned in the 21st section of the Act of 1873 expires on the 21st day of July 1877, and it is expedient, in order to prevent any question arising hereafter in relation to the matters above mentioned or any of them, that the awards and agreement above mentioned be confirmed so far as the same may be necessary, and such other provision made as is in this Act contained:

And whereas the objects of this Act 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, as follows:

Short title.

1. This Act may be cited for all purposes as "The Mersey Docks Act, 1877."

Confirming scheduled awards and agreement.

2. The first award (as modified by the supplemental award and the agreement of 1876), and the agreement of 1876, and the supplemental award are hereby, so far as the same may be necessary, confirmed, and full effect shall be given thereto accordingly.

Extending period limited by Act of 1873 for completion of certain works.

3. The period limited by the 21st section of the Act of 1873 for the erection, construction, and opening for traffic of the works therein mentioned is hereby, so far as regards the two blocks of warehouses with sheds in front thereof respectively to be erected on the south side of the Low-water Basin Dock, under the supplemental award, and the quays, rails, cranes, works, conveniences, and appliances directly connected with such buildings, (all which are herein-after referred to as "the substituted works,") but not as

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to any of the other works mentioned in that section, extended until the thirty-first day of October one thousand eight hundred and seventy-eight; and the non-completion previously to that day of the works above mentioned, in respect of which the time for completion is by this section extended, shall not cause the borrowing powers of the Board granted by the Act of 1873 to cease or determine or be suspended.

Board may erect the quays, warehouses, &c. provided for by the scheduled awards and agreement.

4. The Board may erect and construct the quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances mentioned in and directed or agreed to be erected and constructed by the first award (as modified as aforesaid), and the agreement of 1876, and the supplemental award.

Confirming works executed by the Board on the site of the landing stage in the Low-water Basin.

5. The wharf constructed by the Board as aforesaid upon the site of the landing stage mentioned in the 3rd section of the Act of 1866, shall, so far as regards the wharf wall mentioned in that section, be deemed to be a compliance with and a satisfaction of the obligations imposed upon the Board by the 21st section of the Act of 1873.

Upon completion, &c. of remaining works, Board to be deemed to have satisfied the obligations imposed on them by sec. 21 of Act of 1873, and by the scheduled awards and agreement.

6. Upon the completion and opening for traffic by the Board, within the period of four years mentioned in the 21st section of the Act of 1873, of the works mentioned in the 3rd section of the Act of 1866 modified as aforesaid, and of the works mentioned in and directed or agreed to be erected and constructed by the first award other than "the substituted works," and upon the completion and opening for traffic by the Board on or before the thirty-first day of October one thousand eight hundred and seventy-eight of "the substituted works," the Board shall be deemed to have fully complied with and to have satisfied all the obligations imposed upon them by the 21st section of the Act of 1873 by the first award, by the agreement of 1876, and by the supplemental award, or any of them.

Expenses of Act.

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

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

To all to whom these presents shall come, I, William Yolland, of 14, Saint Stephen's Square, Westbourne Park, in the county of Middlesex, late a Lieutenant-Colonel in Her Majesty's Corps of Royal Engineers, and Brevet Colonel, send greeting: Whereas by the twenty-first section of "The Mersey Dock (Liverpool Dock Extension) Act, 1873," it was enacted that the Mersey Docks and Harbour Board (in the said Act and herein-after referred to as "the Board") should within four years from the passing of the said Act convert the Low-water Basin at Birkenhead into a wet dock, as authorised by "The Mersey Docks (Outer Works Alteration) Act, 1866," and should construct and for ever after maintain the said wet dock of a depth therein mentioned, and should 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 might 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 might be practicable and safe then to provide. And it was by the same section provided, that if in the opinion of such engineer as aforesaid the warehouses could not consistently with safety or expediency be constructed within the said period of four years, it should be lawful for such engineer to postpone the construction of the same for such time and on such terms as he might think reasonable and proper, and thereupon the non-completion of the warehouses under such circumstances within the said period of four years should not operate to determine the exercise of the borrowing powers of the Board conferred by the said Act if and so long as the Board should comply with the directions of the said engineer in regard to the warehouses. And it was thereby further provided that all disputes which might 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, should be determined by an engineer to be appointed by the Board of Trade, and the order of such engineer should be final and conclusive on all parties: And whereas by an instrument under the hand of "C. Cecil Trevor," one of the assistant secretaries of the Board of Trade, dated the first day of June one thousand eight hundred and seventy-five, the Board of Trade, in exercise of the powers vested in them by the said twenty-first section of the said Act, selected and appointed me as the engineer for the purposes named in that section: And whereas the Board have made application to me to extend the time for the completion of the warehouses in the said Act referred to beyond the said period of four years

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from the passing of the said Act: And whereas disputes have arisen between the Board and the Birkenhead Improvement Commissioners and the Great Western Railway Company as to the propriety and also as to the situation and mode of construction of the said quays, warehouses, sheds, and other works mentioned in the said herein-before recited section: Now know ye, and these presents witness, that I, the said William Yolland, having accepted the said appointment, and having inspected the locality of the said works, and having heard and duly considered the evidence and representations submitted to me on behalf of the Board, the Birkenhead Improvement Commissioners, and the Great Western Railway Company respectively upon the several disputes and matters referred to my determination, do hereby, in exercise of the powers conferred upon me by the said Act and the said appointment, direct that the application of the Board for an extension of the time allowed for the completion of the warehouses in the said Act referred to do and shall stand over for the present, and at or before or upon the expiration of the month of August in the year one thousand eight hundred and seventy-six, as I shall be better enabled to form an opinion as to the necessity or desirability of granting any such extension and the extent thereof, and the same shall then be decided and disposed of. And in further exercise of the said powers I do hereby certify, order, and determine that the quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances respectively shown, delineated, and described in the plan marked "M.," signed by me and hereunto annexed, (and which plans are to be taken as part of this my certificate and award,) such quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances being placed in the situations, and being of the sizes, and erected and made in accordance with the modes of construction shown on the said plans in relation to the respective works comprised therein, are necessary and proper, and are all that are necessary or proper for the accommodation of traffic at the said dock. And I further certify, order, and determine that in my judgment the said quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances delineated and described in the said plan are all that it will be practicable and safe to provide pursuant to the said above-mentioned Act of Parliament. In witness whereof I, the said William Yolland, have hereunto set my hand and seal this 15th day of December 1875.

Signed, sealed, and delivered by the above-named William Yolland in the presence of } (Signed) W. Yolland. L.S.

(Signed) Henry Pemberton Leach,
10, Lancaster Place,
London,
Solicitor.

SECOND SCHEDULE.

Articles of Agreement made the twenty-fifth day of September one thousand eight hundred and seventy-six, between the Mersey Docks and Harbour Board (herein-after referred to as "the Board") of the first part, the Birkenhead Improvement Commissioners (herein-after referred to as "the Commissioners") of the second part, and the Great Western Railway Company (herein-after referred to as "the Company") of the third part, whereby it is agreed between the said parties as follows, viz.:—

1. Subject as herein-after mentioned, the two blocks of warehouses which in accordance with Colonel Yolland's award or order dated the fifteenth December one thousand eight hundred and seventy-five, made or expressed to be made under the provisions contained in the 21st section of "The Mersey Dock (Liverpool Dock Extension) Act, 1873," (herein-after called "the Act of 1873,") were to be erected by the Board at the western end of the land on the north side of the Low-water Basin Dock at Birkenhead, and which warehouses are marked E. and F. on the plan marked "M." annexed to the said award or order, shall not be erected, but in lieu thereof the Board shall erect two blocks of warehouses on the Board's land between the south side of that dock and the portions of land on the South Reserve, in lease to the Company and to the London and North-western Railway Company respectively, which said last-mentioned two blocks of warehouses respectively shall include as part of such warehouses sheds in front thereof as herein-after mentioned, and shall be of the dimensions and in the positions shown in the plan marked "A." annexed to this agreement, and otherwise in accordance with that plan in all respects.

2. The sheds to be erected by the Board as part of the said warehouses as aforesaid shall be placed in front of each of the said last-mentioned blocks of warehouses, and between such warehouses of which they are to form part and the margin of the Low-water Basin Dock, and shall be of the dimensions and in the position shown in the said plan A., and otherwise in accordance with that plan in all respects.

3. The warehouses to be built pursuant to the first article of this agreement shall, except so far as regards the arrangement of the ground floor thereof, be constructed in the same manner as regards principles of construction, description, size, and quality of materials and workmanship, as the warehouses now being built in accordance with the said award or order on the land at the eastern end of the north side of the said Low-water Basin Dock, including doors and window shutters of iron.

4. The partition walls by which the upper floors and that part of the ground floor of each block of the said warehouses, exclusive of the shed which lies between the lines of rails running through the warehouses and the front wall of the warehouses, will be divided into three spaces, as shown in the plan A., shall be carried from the ground up to and through the roof as fire walls, and no openings or communications between the spaces divided by such partition walls shall be made in such walls.

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5. Each block of warehouses to be built as aforesaid shall be provided with hoisting appliances and lowering appliances similar to those to be provided in accordance with Colonel Yolland's award or order in the said warehouses at the eastern end of the north side of the Lower-water Basin Dock, except that the jiggers to be fixed at the six front and six back openings of each block of the warehouses to be built pursuant to Article 1 of this agreement shall be made to hoist as well as to lower.

6. The roofs and sides of the tunnels or arched ways in which the two lines of rails marked in the plan A. as running lines are to be carried through the warehouses shall be constructed of good and sufficient brickwork, as shown in the said plan A., with such openings for ventilation and safety for men in the wall between the said two tunnels as the dock engineer may consider requisite.

7. The Company shall from time to time be allowed at their own expense to put in junctions to connect their lines of rails on the South Reserve with the running lines of rails passing through the said warehouses, in such positions and in such manner as shall be agreed upon between the Company's engineer and the dock engineer, or failing agreement as shall be determined by a single arbitrator to be agreed upon, or in the event of difference to be appointed by the Board of Trade on the application of either of the parties hereto.

8. The works to be carried out by the Board pursuant to Colonel Yolland's award or order herein-before mentioned, as altered or modified by this agreement, and the works to be carried out by the Board under this agreement, shall be completed on or before the thirty-first day of October one thousand eight hundred and seventy-eight, and, subject as herein-after is contained, when duly completed, shall be deemed to be a full and complete performance by the Board in all respects of all powers, duties, and obligations undertaken by or conferred or imposed upon the Board by the 3rd section of "The Mersey Docks (Outer Works Alteration) Act, 1866," by the 21st section of "the Act of 1873," and under Colonel Yolland's award or order herein-before mentioned, or under any further or other award or order which may be made by him as herein-after mentioned and pursuant to the provisions herein-after contained, and no objection shall be made by any of the parties hereto to the award or order already made, or to any further or substituted award or order which may herein-after be made by Colonel Yolland pursuant to the provision herein-after contained to carry out this agreement.

9. The parties hereto shall concur in an application to Colonel Yolland to alter or modify the award or order already made by him under the provisions of the 21st section of "the Act of 1873," or to make a new award or order in lieu thereof or in addition thereto, as Colonel Yolland may be advised may be legally proper or necessary for substituting the works which by this agreement are to be carried out by the Board for the two blocks of warehouses which in accordance with the award or order already made were to be erected at the western end of the land on the north side of the Low-water Basin Dock, and the said parties hereto respectively shall do and concur in all acts, deeds, matters, and things which the Board shall be advised by counsel may be necessary or requisite for confirming and giving legal effect to any such modified, new, or additional award or order, but they shall not be required to incur any liability or expense in so doing.

10. The Commissioners and the Company will consent to the postponement by Colonel Yolland, pursuant to the 21st section of "the Act of 1873," of the construction until the thirty-first day of October one thousand eight hundred and seventy-eight of the buildings to be erected by the Board under this agreement.

11. Nothing herein contained shall affect or alter the position of the parties respectively under the 21st section of "the Act of 1873" as regards the time of completion of the Low-water Basin Dock, and the works provided for by the award already made by Colonel Yolland as above mentioned, so far as such works are not proposed to be altered or modified by this agreement.

12. If the Board shall be advised by counsel that, having regard to the provisions of the Acts of Parliament above mentioned, it is necessary or desirable that the arrangement provided for by this agreement should be carried out under Parliamentary sanction, the Commissioners and the Company respectively shall, if required to do so by the Board, but so as not to incur any liability or expense by so doing, support the passing of a Bill to be promoted by the Board for that purpose, which Bill shall, if the Board shall be advised by counsel that the same is necessary or desirable, include a provision for suspending, so far as regards the completion of the buildings to be carried out by the Board under this agreement, the operation of that part of the 21st section of "the Act of 1873" relating to the determination of the borrowing powers conferred by that Act on the Board during the period which may be allowed for the completion of such works.

As witness the seals of the parties hereto respectively.

Passed under the common seal of the Mersey Docks and Harbour Board in the presence of
(Signed) Edw. Gittins,
Secretary. L.S.

Passed under the common seal of the Birkenhead Improvement Commissioners, in the presence of
(Signed) C. A. Waln,
Deputy Clerk to the Commissioners. L.S.

Passed under the common seal of the Great Western Railway Company, in the presence of
(Signed) G. Cottman,
Asst. Secy. L.S.

THIRD SCHEDULE.

To Colonel Yolland, R.E.

Sir,

Referring to an agreement dated the 25th day of September 1876, between the Mersey Docks and Harbour Board of the first part, the Birkenhead Improvement Commissioners of the second part, and the Great Western Railway Company of the third part, in relation to a proposed modification of the works ordered by your award or order dated 15th December 1875 to be

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carried out in connexion with the Low-water Basin Dock, Birkenhead, a copy of which agreement and of the plan therein mentioned is hereunto annexed, we, the undersigned, do hereby, in conformity with that agreement, request that, in the event of your being of opinion that the accommodation of traffic at the Low-water Basin Dock would be thereby improved, you will be pleased to alter or modify your award or order above mentioned, or to make a new award or order in lieu thereof or in addition thereto, as you may be advised may be legally proper or necessary, in order that the buildings the erection of which is provided for by the 1st, 2nd, 3rd, 4th, 5th, and 6th articles of the above-mentioned agreement of the 25th day of September 1876 may be substituted for the two blocks of warehouses which, in accordance with your award or order of the 15th day of December 1875, are directed to be erected at the western end of the land on the north side of the Low-water Basin Dock, and which are marked E. and F. in the plan marked M. referred to in the said award or order. And we hereby further request that, pursuant to the authority given by the 21st section of "The Mersey Docks (Liverpool Dock Extension) Act, 1873," and the power reserved by your said award or order of the 15th day of December 1875, you will be pleased to extend the time for the construction and completion of the buildings to be erected pursuant to the said agreement of the 25th day of September 1876 until the 31st day of October 1878.

Dated 25th September 1876.

(Signed) T. D. Hornby,
Chairman of The Mersey Docks and Harbour Board.

(Signed) John Laird,
Chairman of the Birkenhead Improvement Commissioners.

(Signed) Danl. Gooch,
Chairman of the Directors of The Great Western Railway Company.

FOURTH SCHEDULE.

To all to whom these presents shall come, I, William Yolland, of 14, Saint Stephen's Square, Westbourne Park, in the county of Middlesex, late a Lieutenant-Colonel in Her Majesty's Corps of Royal Engineers, and Brevet Colonel, send greeting: Whereas by the 21st section of "The Mersey Dock (Liverpool Dock Extension) Act, 1873," it was enacted that the Mersey Docks and Harbour Board, in the said Act and herein-after referred to as "the Board," should within four years from the passing of the said Act convert the Low-water Basin at Birkenhead into a wet dock, as authorised by "The Mersey Docks (Outer Works Alteration) Act, 1866," and should construct and for ever after maintain the said wet dock of a depth therein mentioned, and should 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 might 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 might be practicable and safe then to provide. And it was by the same section provided, that if in the opinion of such engineer as afore-

said the warehouses could not consistently with safety or expediency be constructed within the said period of four years, it should be lawful for such engineer to postpone the construction of the same for such time and on such terms as he might think reasonable and proper, and thereupon the non-completion of the warehouses under such circumstances within the said period of four years should not operate to determine the exercise of the borrowing powers of the Board conferred by the said Act if and so long as the Board should comply with the directions of the said engineer in regard to the warehouses. And it was thereby further provided that all disputes which might 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, should be determined by an engineer to be appointed by the Board of Trade, and the order of such engineer should be final and conclusive on all parties: And whereas by an instrument under the hand of one of the assistant secretaries of the Board of Trade dated the first day of June one thousand eight hundred and seventy-five, the Board of Trade, in exercise of the powers vested in them by the said 21st section of the said Act, selected and appointed me as the engineer for the purposes named in that section: And whereas upon the application of the Board to me to extend the time for the completion of the warehouses in the said Act referred to beyond the said period of four years from the passing of the said Act, and in consequence of disputes having arisen between the Board and the Birkenhead Improvement Commissioners and the Great Western Railway Company as to the propriety, and also as to the situation and mode of construction of the said quays, warehouses, sheds, and other works mentioned in the said herein-before recited section, I, by a deed-poll under my hand and seal, dated the fifteenth day of December one thousand eight hundred and seventy-five, in exercise of the powers conferred upon me by the said Act and the said appointment, directed that the application of the Board for an extension of the time allowed for the completion of the warehouses in the said Act referred to should stand over until the expiration of the month of August one thousand eight hundred and seventy-six, and in further exercise of the said powers I thereby certified, ordered, and determined that the quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances respectively shown, delineated, and described in the plan marked "M.," signed by me and thereunto annexed, and being placed in the situations, and being of the sizes, and erected and made in accordance with the modes of construction shown on the said plan in relation to the respective works comprised therein, were necessary and proper, and were all that were necessary or proper for the accommodation of traffic at the said dock; and I thereby further certified, ordered, and determined that in my judgment the said quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances delineated and described in the said plan were all that it would be practicable and safe to provide pursuant to the said Act of Parliament: And whereas since the date of the said award or order of the fifteenth day of December one thousand eight hundred and seventy-five the Board, the Birkenhead Improvement Commissioners, and the Great Western Railway Company have requested in writing that in the event of my being of opinion that the accommodation of traffic at the Low-water Basin Dock would be thereby

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improved, I would alter or modify my said award or order, or make a new award or order in lieu thereof or in addition thereto, as I might be advised might be legally proper or necessary in order that the buildings consisting of warehouses, including sheds, on the south side of the Low-water Basin Dock, and which are designated by the letters E. and F. in the plan marked "N." and signed by me, hereunto annexed, may be substituted for the two blocks of warehouses which by my said award or order of the fifteenth day of December one thousand eight hundred and seventy-five were directed to be erected at the western end of the land on the north side of the said Low-water Basin Dock, and which are marked E. and F. in the plan marked "M." referred to in the said award or order; and the said parties have also requested that, pursuant to the authority given by the 21st section of the above-mentioned Act of Parliament, and the power reserved by my said award or order, I would extend the time for the construction and completion of the said warehouses, including sheds, to be erected as aforesaid, until the thirty-first day of October one thousand eight hundred and seventy-eight: Now know ye, and these presents witness, that I, the said William Yolland, having considered the request made to me as above mentioned, and being of opinion that the accommodation of traffic at the Low-water Basin Dock would be improved by the substitution of the warehouses, including sheds, designated by the letters E. and F. on the said plan "N.," to be erected on the sites shown on the said plan (which sites have since the date of my said award or order of the fifteenth day of December one thousand eight hundred and seventy-five been ascertained to be available for that purpose) in lieu of the two blocks of warehouses marked E. and F. in the said plan "M.," do hereby, in exercise of the said powers conferred upon me by the said Act of Parliament and appointment above mentioned, and pursuant to the said request and authority of and from the Board, the Birkenhead Improvement Commissioners, and the Great Western Railway Company, by this further award or order certify, order, and determine that the warehouses, including sheds, designated by the letters E. and F. in the said plan marked "N." and signed by me, hereunto annexed, (and which plan is to be taken as part of this my further award or order,) such warehouses, including sheds, being placed in the situation, and being of the sizes, and erected and made in accordance with the modes of construction shown in relation thereto on the said plan "N.," are necessary and proper for the accommodation of traffic at the said dock, and that the said warehouses, including sheds, being so placed, of the sizes, and erected and made as above mentioned, with the quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances also shown in the said plan "N.," in addition to the said warehouses, including sheds, marked E. and F. (which said last-mentioned quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances are the same in all respects as those shown in the said plan "M.," except the said blocks of warehouses thereon marked E. and F.), such quays, warehouses, sheds, rails, cranes, works, conveniences, and appliances being placed in the situations, and being of the sizes, and erected and made in accordance with the modes of construction shown in the said plan "N." (which in all those respects is precisely similar to the said plan "M."), but without the said warehouses marked E. and F. on the said plan marked "M.," are all that are necessary or proper for the accommodation of traffic at the said dock. And I further certify, order, and determine that in

my judgment the said warehouses, including sheds, quays, warehouses, rails, cranes, works, conveniences, and appliances delineated and described in the said plan "N." are all that it will be practicable and safe to provide pursuant to the said above-mentioned Act of Parliament. And I do hereby further certify and determine that in my opinion the said warehouses designated by the letters E. and F. in the said plan "N." cannot consistently with safety or expediency be constructed within the said period of four years in the said Act mentioned; and pursuant to the authority given by the said Act, and under the reservation in this respect contained in my said order of the fifteenth December one thousand eight hundred and seventy-five, and in accordance with the said request above mentioned, I hereby order and determine that the time for the construction and completion of the said warehouses shall be postponed until the thirty-first day of October one thousand eight hundred and seventy-eight. And I lastly order and determine that the warehouses marked E. and F. on the said plan marked "M." annexed to my said award or order of the fifteenth day of December one thousand eight hundred and seventy-five shall not be erected, the same being rendered unnecessary by the substitution in lieu thereof of the said warehouses, including sheds, marked E. and F. on the said plan "N." hereunto annexed. In witness whereof I have hereunto set my hand and seal the seventeenth day of November one thousand eight hundred and seventy-six.

Signed, sealed, and delivered by the above-named William Yolland in the presence of } (Signed) W. Yolland. L.S.

(Signed) Henry Pemberton Leach,
10, Lancaster Place,
London,
Solicitor.

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