ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Cap. cl.

An Act to enable the *Mersey* Docks and Harbour Board to erect Floating Bridges and other Works at *Liverpool* and *Woodside*, for improving the Communication between *Liverpool* and *Birkenhead* and for other Purposes.

[23d *July* 1860.]

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, the *Mersey* Docks and Harbour Board were incorporated for the Purposes therein mentioned: And whereas the several Local and Personal Acts following, that is to say, "The *Mersey* Docks and Harbour (Works) Act, 1858," "The *Mersey* Dock Acts Consolidation Act, 1858," and "The *Mersey* Docks (Money) Act, 1859," have also been passed in relation to the *Mersey* Docks and Harbour Board: And whereas by "The *Mersey* Docks and Harbour Act, 1857," Section Twenty-eight, it was provided that the Landing Stage for Sea-going Steamers then being constructed by the Corporation of *Liverpool* in front of the *Prince's Dock* at *Liverpool* should vest in the Board on the First Day of *January* One thousand eight hundred and fifty-eight, if then completed, and if not, then on the Completion

20 & 21 Vict. c. clxii.

21 & 22 Vict. c. xc.

21 & 22 Vict. c. xcii.

22 Vict. c. xx.

Completion thereof, and that the same should for ever thereafter be maintained by the Board in a State of Efficiency, and in the Situation where the same was then being constructed: And whereas the said Landing Stage at *Liverpool* has been completed and opened for public Use and is called the *Prince's Landing Stage*: And whereas by "The *Mersey* Docks and Harbour (Works) Act, 1858," Section Six, the Board were authorized to provide and erect a Floating Landing Stage in the Front of and connected with a Sea Wall authorized to be erected for enclosing Part of the *Woodside Basin* at *Birkenhead*, and by Section Thirty-nine of the same Act the Board were directed to appropriate and set apart for the Accommodation of the Traffic, and for the general Purposes of *Woodside Ferry* exclusively, and without receiving any Payment for the same, such Portion of the Landing Stage thereby authorized to be constructed at *Woodside* aforesaid as should form the Southern End thereof of the Length of Three hundred Feet, and such Portion when so appropriated should thenceforward be under the Control and Management in all things of and be kept in good and substantial Repair by the *Birkenhead* Improvement Commissioners, or other the Persons who for the Time being should be the Owners of the said Ferry, and the remaining Portion of such Landing Stage should be under the exclusive Control and Management of the Board, but should not be used except by Steam Vessels plying beyond the Port of *Liverpool*: And whereas the said Sea Wall and Landing Stage at *Woodside* have not yet been completed: And whereas great Inconvenience is experienced in the Passage of Carriages, Carts, and Vehicles between *Liverpool* and *Birkenhead*, by reason of the Difficulty in embarking and disembarking the same on and from the Ferry Boats plying between the opposite Shores of the River *Mersey*, and it would be a great public Accommodation if the Board were authorized to make Floating Bridges, Piers, or Jetties between the *Prince's Landing Stage* at *Liverpool* and the adjacent Quays, and between the said intended Landing Stage at *Woodside* and the said intended Sea Wall, so as to enable Carriages, Carts, and Vehicles to pass and repass to the said Landing Stages respectively at all States of the Tide: And whereas it is expedient that the Period for completing some of the Works authorized to be constructed at *Woodside* by "The *Mersey* Docks and Harbour (Works) Act, 1858," and therein-fifthly described, should be extended, and the said several Acts amended and altered; but the Objects aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Mersey* Docks (Ferry Accommodation) Act, 1860."

II. So

Certain Parts of 21 & 22 Vict. c. xcii. incorporated.

II. So much of "The *Mersey* Dock Acts Consolidation Act, 1858," as relates to the Meanings to be assigned to certain Words and Expressions, being Section 3. of such Act, except so far as such Meanings and Provisions, or any of them, are inconsistent with this Act, shall be incorporated with and form Part of this Act.

Certain Parts of 8 & 9 Vict. c. 18. incorporated.

III. "The Lands Clauses Consolidation Act, 1845," except the Sections of that Act numbered 127. and 133. respectively, shall be incorporated with and form Part of this Act, and in construing the said Act the Board shall be deemed the Promoters of the Undertaking.

Works may be made according to deposited Plans.

IV. And whereas Plans and Sections of the Floating Bridges, Piers, and Jetties proposed to be constructed showing the Situations and Levels thereof respectively, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands upon which the same are intended to be made, have been deposited at the Offices of the Clerks of the Peace for the County Palatine of *Lancaster* and for the County of *Chester*: Be it enacted, That, subject to the Provisions of this Act and the Act and Sections of Acts incorporated herewith, the Board may construct and complete such Floating Bridges, Piers, and Jetties according to the said deposited Plans and Sections, and upon the Lands described or comprised in the said Book of Reference in relation thereto, and for that Purpose may take and purchase such Lands or any Part thereof, and may enter upon and use the same or such Part thereof as shall be necessary, and the Board may construct and maintain all such Ways, Platforms, Quays, Wharves, Gates, Toll Bars, Moorings, Piles, Pontoons, Buoys, Cofferdams, and other Works, Approaches, and Conveniences as they may think necessary for the efficient Completion or the convenient Use of the aforesaid Floating Bridges, Piers, and Jetties.

Extension of Time for Completion of certain Works.

V. The Period for Completion of the whole of the Works fifthly mentioned in Section Six of "The *Mersey* Docks and Harbour (Works) Act, 1858," (except the Northern Side of the said intended Sea Wall enclosing Part of the *Woodside Basin*,) shall be extended to the First Day of *November* One thousand eight hundred and sixty-one.

Plans of Works to be submitted for the Approval of the Admiralty.

VI. Previously to commencing any Work whatever, as authorized 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 Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in 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

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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 said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral 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.

Exemption of certain Vessels.

VII. Nothing in this Act contained shall extend to charge with Rates or Duties or to regulate or subject to any Control any Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Admiralty, Coast Guard, Customs, or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using the Quays, Piers, and Jetties, and not conveying Goods for Hire, or any Packet Boat or Post Office Packet being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons employed in the Service of the Admiralty, Coast Guard, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon or delivered or disembarked from any of the Quays, Piers, and Jetties, or their Baggage, but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the Quays, Piers, and Jetties without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Admiralty may order local Survey at Expense of Company.

VIII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral to order a local Survey and Examination of any Works of the Board authorized by this Act, or of the intended Site thereof, the Board shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Board, 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.

IX. If

If Works abandoned, Admiralty may remove same.

IX. 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 Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or 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 at Birkenhead to be deemed Part of the Works referred to in Sect. 57. of 20 & 21 Vict. c. clxii.

X. The Lands and Works by this Act authorized to be purchased and constructed by the Board at *Birkenhead* shall, for the Purpose of authorizing 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 Fifty-seventh Section of "The *Mersey* Docks and Harbour Act, 1857," for the Completion whereof the Board were authorized to borrow and take up Money at Interest, and any Rate or Rates or any Dues forming Part of their general Receipts shall be the Security on which such Money may be borrowed.

Works at Liverpool to be paid for out of general Receipts of the Board.

XI. The Lands and Works by this Act authorized to be purchased and constructed by the Board at *Liverpool* shall be paid for by them out of their general Receipts, and be deemed Part of the Charges and Expenses of supporting, maintaining, and repairing the Works authorized to be erected, established, and maintained by the Board.

Power to make Byelaws extended to Works authorized by this Act.

XII. All the Works authorized to be constructed by this Act, and all Tolls hereby authorized to be taken, and all Penalties hereby imposed, shall, with respect to the Power of the Board to make Byelaws, and for all other Purposes whatsoever, except in Cases where the same would be manifestly inconsistent with the Intention of this Act, be deemed and taken as to such Works to be Part of the Works referred to in the several Provisions contained in "The *Mersey* Dock Acts (Consolidation) Act, 1858," and as to such Tolls and Penalties be deemed and taken to have been authorized and imposed by such last-mentioned Act.

Power to Ferry Boats to use Landing Stages at Liverpool and at Woodside.

XIII. When and as soon as the Works authorized by this Act in relation to the *Prince's Landing Stage* and the Landing Stage at *Woodside* shall have been respectively completed, the Board shall appropriate such Portion of the *Prince's Landing Stage* as shall be requisite, not exceeding One hundred and twenty-five Feet in Length at each End of such Landing Stage, for the exclusive Use and for the convenient working and

mooring of Ferry Steamers, and may also, on such Terms as may be agreed upon between the Board and the *Birkenhead* Improvement Commissioners, set apart and appropriate for the Use by the Commissioners or the Owners for the Time being of the *Woodside Ferry*, for their Ferry Purposes, of such Portion of the Northern End of the Landing Stage at *Woodside* as the Board may from Time to Time deem expedient, and thereupon such Ferry and other Vessels of the said Commissioners or Owners may embark, load, and disembark, and unload Passengers, Carriages, and Goods thereat, anything in the before-mentioned Acts to the contrary thereof notwithstanding; and that from and after the Completion of the said Works in relation to the said Landing Stages, and the opening thereof for Public Use, it shall not be lawful, without the Consent of the Board, for any Carriage, Cart, or other Vehicle, Cattle and other Animals, which would be liable to the Tolls by this Act authorized to be taken if passing through the Toll Gates or Toll Bars erected under this Act, to be loaded, discharged, embarked, or disembarked in, to, or from any Ferry or other Boat or Vessel at any Landing Stage or any Portion of any Landing Stage of the Board at *Liverpool* other than such Portion of the *Prince's Landing Stage* aforesaid as may for the Time being be appropriated for that Purpose by the Board.

Provision for Protection of the Tolls.

Tolls for Use of Floating Bridges.

XIV. The Board may erect Toll Gates and Toll Bars upon the several Floating Bridges, Piers, and Jetties authorized by this Act, or the respective Entrances or Approaches thereto, or on the said *Prince's Landing Stage*, and the Landing Stage at *Woodside* other than that Portion of the Landing Stage at *Woodside* exclusively appropriated to the Use of the *Birkenhead* Improvement Commissioners or other Owners of the *Woodside Ferry*, and may demand and take at such Gates or Bars such Tolls as they shall from Time to Time appoint, for or in respect of all Carriages, Carts, and other Vehicles, Goods, Cattle and other Animals, passing through the same, not exceeding those mentioned in Schedule (A.) hereunto annexed, and such Tolls may be taken for each Time of passing and each Time of repassing through such Gate or Bar, and shall be taken before any such Carriage, Cart, or other Vehicle, Goods, Cattle or other Animal, shall be permitted to pass through the same: Provided always, that nothing in this Act contained shall authorize the Board to charge any Tolls in respect of Passengers coming from or going to any Ferry or other Boat, or the Luggage of such Passengers.

Tickets to clear Tolls on opposite Side of the Mersey may be given.

XV. The Board may authorize Toll Collectors, on Payment to them of the authorized Amount of Toll for any Carriage, Cart, or other Vehicle, Goods, Cattle or other Animal, about to be conveyed across the River *Mersey*, and also on the Payment of such further Sums not exceeding the Amount which may for the Time being be authorized to be taken by the Toll Collectors acting under the Authority of this Act, on the other Side of the River *Mersey*, in respect of the same Carriage, Cart, or other Vehicle,

Vehicle, Goods, Cattle or other Animal, to give to the Person in charge of such Carriage, Cart, or other Vehicle, Goods, Cattle or other Animal, a Ticket or Card, of such Material or Substance, and with such Writing, Figures or Marks, printed, written, or engraven thereon, as the Board shall from Time to Time direct, entitling the same Carriage, Cart, or other Vehicle, Goods, Cattle or other Animal, in respect of which such Ticket may have been given, to pass through the Toll Gate or Toll Bar erected under the Authority of this Act on the other Side of the River *Mersey* on such Ticket as aforesaid being delivered up to the Collector in charge of such last-mentioned Gate or Bar, in lieu of Payment of the Toll which would otherwise have to be made to such last-mentioned Collector.

Power to Birkenhead Improvement Commissioners to compound for Tolls.

XVI. The Board and the *Birkenhead* Improvement Commissioners or the Owners for the Time being of the *Woodside Ferry* may from Time to Time, if they shall deem it expedient so to do, and upon such Terms as they shall mutually think fit, agree upon the annual or other Sum or Sums of Money which the said Commissioners or Owners shall pay by way of Composition for all or any of the Tolls which would otherwise have to be paid to the Board in respect of the Carriages, Carts, and other Vehicles, Goods, Cattle and other Animals, carried by the Ferry Boats belonging to the said Commissioners or Owners, and brought, carried, or driven over any Part of the Floating Bridges, Piers, or Jetties by this Act authorized to be constructed, every such Sum to be paid by such Instalments as may be mutually agreed upon, and out of any Monies belonging to or under the Control of the Commissioners or Owners.

Confirmation of Agreement as in Sched. (B.) for Composition already entered into by the Board and the Commissioners.

XVII. And whereas the Board and the *Birkenhead* Improvement Commissioners, in anticipation of the passing of this Act, have, but subject to the Approval of Parliament being obtained thereto, entered into an Agreement, a Copy whereof is set forth in Schedule (B.) hereunto annexed, for the Payment by the said Commissioners to the Board of certain Monies by way of Composition for the Tolls which would otherwise have to be paid to the Board in respect of Carriages, Carts, and other Vehicles, Goods, Cattle and other Animals, carried by the Ferry Boats belonging to the said Commissioners, and brought, carried, or driven over any Part of the Floating Bridges, Piers, or Jetties by this Act authorized to be constructed: Be it enacted, That such Agreement shall be and the same is hereby confirmed, and all the Provisions therein contained shall be as valid and effectual to all Intents and Purposes as if such Provisions were expressly enacted by this Act: Provided always, that in case the said Agreement shall at any Time be determined by the Board, in pursuance of the Power for that Purpose therein contained, or in case it shall at any Time be determined by the mutual Consent of the Board and of the said Commissioners, it shall be lawful for the Board and for the said Commissioners to enter into a new Agreement for Composition, according

according to the Provision for that Purpose last before contained, as if the said Agreement set forth in Schedule (B.) had never been made.

Board may authorize Persons to compound for Tolls.

XVIII. If and whenever, within Two Years from the Completion of the Works by this Act authorized, the Board shall be required so to do by any of the Owners or Lessees for the Time being of any of the Ferries now existing or hereafter to be established across the River *Mersey*, the Board shall compound with such Owners and Lessees or Owners or Lessees respectively for the Payment of the Tolls by this Act authorized to be taken by the Board in respect of the Carriages, Carts, and other Vehicles, Goods, Cattle and other Animals, loaded, discharged, embarked, or disembarked into or from any Ferry or other Boat belonging to or employed by any such Owner or Lessee, upon the same Principle in all respects as the Principle for the Time being agreed on with and at Rates not exceeding Two Thirds of the Rates for the Time being payable by the *Birkenhead* Improvement Commissioners or other Owners or Occupiers of *Woodside Ferry*, and all Persons interested in the said Ferries who would be enabled to sell Lands under the Provisions of the "Lands Clauses Consolidation Act, 1845," applicable to the Sale of Lands by incapacitated Persons, shall have Power to enter into such Composition as aforesaid, in like Manner as though they were especially authorized so to do by this Act: Provided always, that nothing herein contained shall prevent the Board and any such Owners and Lessees as aforesaid from entering into and they may enter into any such Composition, by Agreement, after the Expiration of the said Period of Two Years, if they shall so think fit.

Basis of Composition.

XIX. Provided always, That every such Composition as aforesaid which may be agreed upon between the Board and the Owners or Lessees of any Ferry other than *Woodside Ferry* aforesaid may be calculated upon such Basis, having regard to the estimated Amount and Nature of the Traffic making use of such Ferry, and the Extent of Accommodation afforded by the Board, as may be agreed upon between the Board and such respective Owners or Lessees, so that the same be made without Favour or Partiality as between the Owners and Lessees of such Ferries respectively, and in the same Proportion for the same Description of Traffic and for the same Amount of Accommodation afforded by the Board, and any such Composition may be in the Nature of a Per-centage on the gross or net Revenue actually received by such Owners or Lessees from or on account of their respective Ferries; provided also, that every such Composition may be for such Period as may be agreed upon between the Parties thereto.

Table of Tolls to be set up.

XX. The Board shall cause to be set up and ever afterwards continue at each Toll Gate or Toll Bar erected by them under the Authority of this Act, on a Board, printed on Paper in a distinct and legible Manner, or else painted on such Board with distinct and legible Black Letters on a White

a White Ground, a List or Account of the Tolls payable at such Gate or Bar, distinguishing the several Tolls, and also shall from Time to Time renew such Boards or printed Paper whenever the same or any of the Letters or Figures thereof shall be in any Manner worn out, defaced, or obliterated.

Tolls not to be demanded if Table not so set up.

XXI. It shall not be lawful for the Board to demand or take at any such Gate or Bar any Toll whatsoever during any Time at which the List or Account of Tolls herein-before directed to be set up and continued thereat shall not be so set up and continued.

Power to vary Tolls, but not to exceed those in Sched. (A.)

XXII. The Board may from Time to Time, when and as they deem it expedient so to do, lower all or any of the Tolls authorized by this Act to be taken by them, and also from Time to Time again increase all or any of such Tolls, so that the same when increased shall not in any Case exceed the Rates mentioned in Schedule (A.) hereunto annexed.

Tolls, &c. to be deemed Part of general Receipts.

XXIII. All Tolls and other Monies (except pecuniary Penalties) which may be received or recovered by the Board under the Authority of this Act shall be carried to the Credit of and be deemed Part of their general Receipts, but all pecuniary Penalties shall be applied in the Manner directed by "The *Mersey* Dock Acts (Consolidation) Act, 1858.".

Persons may be stopped for Refusal to pay Tolls.

XXIV. If any Person liable to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or other Person appointed to receive the same, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person appointed to collect such Tolls, by himself, or taking such Assistants as he shall think necessary, to stop and prevent the Passage of any Cart, Carriage, or other Vehicle, Goods, Cattle or other Animal, in respect of which any such Toll ought to be or ought to have been paid, and to seize, detain, or distrain the same or any of them until such Payment shall be made; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within Four Days next after such Seizure and Distress made, the Person seizing and distraining may sell the Cart, Carriage, or other Vehicle, Goods, Cattle or other Animal, seized or distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale, if any, and so much thereof as shall remain unsold, upon Demand, to the Owner thereof, after such Toll and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

For settling Disputes respecting Tolls, &c.

XXV. In case any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or the Amount of Toll, or the Charges of keeping or selling any Distress, then and in every such Case such Dispute shall

shall be heard and determined either in the Manner provided by "The *Mersey* Dock Acts (Consolidation) Act, 1858," if applicable thereto, or if not then by any Justice, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness, and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties relative to the said Toll or Distress or Sale, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem reasonable; all which Costs, in case the same shall not be forthwith paid, may be recovered in the Manner directed by the aforesaid Act.

Power to erect Weighing Machines.

XXVI. The Board may, if they shall so think proper, provide at or near any Toll Gate or Toll Bar erected under the Authority of this Act Weighing Machines for weighing Carriages, Carts, and other Vehicles, and Goods; and in such Case the Keeper of any such Weighing Machine, or any Person to be appointed by the Board or by their Lessee, may require any Carriage, Cart, or other Vehicle, or any Goods, which shall pass or be about to pass or have passed through such Gate or Bar, to be weighed at such Weighing Machine; and if any Driver or Person having the Charge of such Carriage, Cart, Vehicle, or Goods shall refuse to allow the same to be weighed, every such Driver or other Person shall be liable to a Penalty of not exceeding Forty Shillings.

Weights allowed to be carried over Floating Bridges, Piers, and Jetties.

XXVII. No Waggon, Cart, or other Carriage shall be allowed to come upon any Floating Bridge, Pier, or Jetty, without the Consent of the Board first had and obtained for that Purpose, of a greater Weight than Four Tons, including as well the Weight of such Waggon, Cart, or other Carriage, as the Goods thereon, under the Penalty of not exceeding Five Pounds, to be forfeited and paid by the Owner of such Waggon, Cart, or other Carriage to the Board for every Time such Waggon, Cart, or other Carriage shall so come as aforesaid upon any such Floating Bridge, Pier, or Jetty.

Carriages drawn by Steam, &c. not to pass over Floating Bridge, Pier, or Jetty.

XXVIII. Provided always, That no Carriage drawn or propelled by Steam or otherwise than by Animal Power shall be permitted to pass over or upon any Floating Bridge, Pier, or Jetty, without the Consent of the Board first had and obtained for that Purpose.

Providing for the free and uninterrupted Conveyance of Goods from different Portions of the Dock Estate.

XXIX. All Goods carried in Lighters, Flats, Barges, or other Vessels to or from or over any Portion of the Docks, Quays, and Estate of the Board at *Liverpool* from or to or over any Portion of the Docks, Quays, and Estate of the Board at *Birkenhead*, and not carried to or from or over any Portion of the Landing Stage at *Woodside*, shall and may, subject only to such Rules and Regulations as the Board may from Time to Time or at any Time think proper to make with reference thereto, be so carried freely, and without any Interference, Let, or

Hindrance

Hindrance by or on the Part or Behalf of the Owner or Lessee of any Ferry now existing, or which may be hereafter established across the River *Mersey*, or by or on the Part or Behalf of any other Person whomsoever interested in any such Ferry: Provided always, that nothing herein contained shall be held to prejudice the Rights or Interests of the Trustees of the late *Francis Richard Price* so long as they shall remain Owners of *Woodside Ferry*.

Board may apply Income, &c. towards improving the Communication between Liverpool and the Birkenhead Docks.

XXX. The Board may, when and as they may deem it expedient so to do, apply the Income or any other Monies forming Part of their general Receipts in facilitating and generally improving, from Time to Time as the Expansion of Trade may render necessary, the Communication across the River *Mersey* between the Docks and Works of the Board at *Liverpool* and *Birkenhead*.

Qualification of Restrictions as to bringing Gunpowder into the Docks.

XXXI. Whereas in Section 219. of "The *Mersey* Dock Acts (Consolidation) Act, 1858," various Prohibitions are contained against the bringing of Gunpowder into the Docks or within a certain Distance thereof, and it is expedient that (subject to the Limitations herein-after contained) such Prohibition should not be absolute, but be allowed to be waived by the Board in respect of such Places as they may think may be safely appointed by them for the landing of Gunpowder: Be it enacted, That the Board may from Time to Time appropriate any Places on their Estate (not exceeding Two on each Side of the River) at which Gunpowder may be landed: Provided always, that whenever any Gunpowder intended to be so landed is brought within the Limits defined by the said Section 219., such Gunpowder shall be forthwith landed, and when landed shall be forthwith removed beyond the Docks and Premises of the Board, and that (except as regards Gunpowder landed at such Places, and that during such Time only as shall be necessarily and unavoidably occupied in the bringing in, landing, and Removal thereof,) all the Provisions of "The *Mersey* Dock Acts Consolidation Act, 1858," with respect to Gunpowder shall continue in full Force and Effect.

Constables may act within the Port and Harbour of Liverpool.

XXXII. And whereas by the 46th Section of "The *Mersey* Dock Acts Consolidation Act, 1858," the Watch Committee of the Borough of *Liverpool* are required at all Times to provide so many Constables for the Protection of the *Liverpool* Docks, together with One or more Superintendents of Police or superior Officers, as shall from Time to Time be required by the Board, and by the 47th Section of the same Act the *Birkenhead* Improvement Commissioners are required at all Times to provide so many Constables for the Protection of the *Birkenhead* Docks, together with One or more Superintendents of Police or superior Officers, as shall from Time to Time be required by the Board: And whereas the said Watch Committee and the said Commissioners from Time to Time respectively appoint Constables accordingly, but it is doubtful whether

such

such Constables have Authority to act as such in any Part of the Port and Harbour of *Liverpool* not being within the Limits of the *Liverpool* Docks or of the *Birkenhead* Docks respectively, and it is expedient that such Doubts be removed, and that all Constables, Superintendents, and superior Officers appointed under the said Sections of the said Act should be empowered to act as such within any Part of the Port and Harbour of *Liverpool:* Therefore every Constable, Superintendent, or superior Officer from Time to Time appointed by the Watch Committee of the said Borough under the 46th Section of the said Act, and every Constable, Superintendent, or superior Officer from Time to Time appointed by the *Birkenhead* Improvement Commissioners under the 47th Section of the said Act, shall from and after the passing of this Act be deemed for all Purposes whatsoever a Constable within the Port and Harbour of *Liverpool*.

As to Byelaws regulating Master Porters.

XXXIII. Whereas under or by virtue of the Local and Personal Act 9 and 10 *Victoria*, Chapter 109., certain Byelaws have been made and are still in force for the Regulation and good Government of Master Porters, and for regulating the Charges allowed to be made by such Master Porters: And whereas by "The *Mersey* Dock Acts Consolidation Act, 1858," such Byelaws were continued for a Period of not exceeding Two Years from the Commencement of such Act, and by such Act various Powers of making Byelaws were vested in the Board: And whereas it is expedient better to regulate and define such Powers so far as respects Master Porters and Persons employed by them: Be it enacted, That the Board may from Time to Time make such Byelaws as they may deem expedient for the Regulation and good Government of the Persons for the Time being authorized by the Board to act as Master Porters, and of the operative Porters and other Persons employed by such Master Porters, and for defining and regulating the Amount of the Charges allowed to be made by such Master Porters for Work done by them; and all Byelaws so made by the Board shall for all Purposes whatsoever be deemed and taken to have been Byelaws made by the Board in pursuance of Provisions contained in the said "*Mersey* Dock Acts Consolidation Act, 1858."

Extension of Period for Continuance of existing Byelaws.

XXXIV. Whereas by Section Fourteen of "The *Mersey* Dock Acts Consolidation Act, 1858," all Byelaws made in pursuance of any Power contained in any of the Acts thereby repealed, which at the Time of the Commencement of the said Act should be in existence and unrepealed or not withdrawn, were directed to continue in force for the Period of Two Years from the Commencement of the said Act, or until the Board should sooner direct: And whereas it is expedient that such Period of Two Years should be extended for a further Period: Be it enacted, That the said Section shall be read as if a Period of Two Years and Six Months had been inserted therein instead of the said Period of Two Years.

XXXV. Whereas

The Mersey Docks (Ferry Accommodation) Act, 1860.

Application of Monies received by the Board from Fines, &c. in connexion with the Pilotage Service.

XXXV. Whereas by the 142nd Section of the "*Mersey* Dock Acts Consolidation Act, 1858," the Board are required to keep a separate Account of all Monies received for Fines, Penalties, and Forfeitures incurred from Pilots or otherwise in connexion with the Pilotage Service of the Port of *Liverpool*, and by the 144th Section of the same Act any surplus Money arising from Fines is directed to form Part of the Pilotage Annuity Fund: And whereas it is expedient that the Board should possess similar Powers to those vested in the Committee of the Commissioners for carrying into effect the Local and Personal Act of 5th *George* IV., Chapter 73., repealed by the said "*Mersey* Dock Acts Consolidation Act," with respect to the Application of Monies received by them in respect of such Fines, Penalties, and Forfeitures: Be it enacted, That the Board may from Time to Time apply all or any Portion of any Monies received by them for Fines, Penalties, and Forfeitures incurred from Pilots or otherwise in connexion with the Pilotage Service of the Port of *Liverpool* for the Relief of distressed Pilots, their Widows and Children, whose Cases may not come within the Provisions relating to the Pilotage Annuity Fund; and the Surplus (if any) of such Monies beyond such reasonable Sum as by the Board shall be directed to be retained by their Treasurer as an available Fund out of which they may be enabled to grant such Relief as aforesaid shall be added to the Pilotage Annuity Fund.

Offences committed by Pilots against Byelaws may be adjudicated upon by the Board or by the Pilotage Committee.

XXXVI. Whereas it is expedient that Offences committed by Pilots against any of the Byelaws made by the Board in relation to the Pilotage Service of the Port of *Liverpool* should be adjudicated upon and the Penalties thereby imposed be recovered in a Manner similar to that provided for the Recovery of Pilotage Rates by the One hundred and fortieth Section of "The *Mersey* Dock Acts Consolidation Act, 1858:" Be it enacted, That whenever any Pilot or any Apprentice in any *Liverpool* Pilot Boat, or Officer or Servant of the Board, shall have committed any Offence against any of such Byelaws, it shall be lawful for the Board or for their Pilotage Committee to hear the Complaint, and upon Proof of the Offence, either by Confession of the Party complained against, or upon such Evidence as the Board or the said Committee shall deem sufficient, it shall be lawful for the Board or for the said Committee to convict the Offender, and upon such Conviction to adjudge the Offender to pay not exceeding the pecuniary Penalty imposed by such Byelaws, or the Damages or Forfeitures incurred for Breach of such Byelaws, as well as such Costs as the Board or the said Committee shall think fit; and that in case Default shall be made in Payment of the Penalty so imposed, or of such Damages, or of any Part thereof, for the Space of Three Days after Demand, it shall be lawful for the Board, or any Person to be appointed by the Board, to recover the Amount by Distress and Sale of the Goods and Effects of such Pilot, Apprentice, or other Officer aforesaid; and in case the Amount of such Penalty and Damage or any

Part thereof shall remain unpaid for the Space of Three Days next after any Distress so made, it shall be lawful for the Person so distraining, upon the Order of a Justice, to cause such Distress to be appraised by Two or more sworn Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Penalty and Damages so unpaid, and all the Expenses of keeping, appraising, and selling such Distress, rendering the Overplus (if any) to the Pilot, Apprentice, or other Officer, upon Demand; and if any Dispute shall arise as to the Amount of the Charges occasioned by such Distress, it shall be lawful for the Person distraining to detain such Distress until the Amount of such Charges shall be ascertained and determined by a Justice, upon Application made to him for that Purpose.

Saving Rights of Birkenhead Improvement Commissioners and of Owners of Seacombe Ferry.

XXXVII. Except as by this Act expressly provided, nothing herein contained shall in any Manner prejudice, vary, alter, diminish, take away, or enlarge any of the Powers, Rights, Claims, Privileges, or Advantages of the *Birkenhead* Improvement Commissioners, or of the Owners or Lessees for the Time being of *Seacombe Ferry*.

Expenses of Act.

XXXVIII. The Board, out of any Monies for the Time being in their Hands, shall pay and discharge all Costs, Charges, and Expenses incurred in applying for, obtaining, and passing this Act, and repay all Monies advanced by any Person for such Purposes.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

SCHEDULE OF TOLLS.

For every Coach, Chariot, Phaeton, or other such like Carriage drawn by Two Horses, One Shilling.

For every Gig or Carriage drawn by One Horse, Mule, or Ass, Ninepence.

For every Cart, Van, or other such Carriage, laden or empty, drawn by Two or more Horses, Mules, or Asses, Eightpence.

For every such Cart, Van, or other such Carriage, laden or empty, drawn by One Horse, Mule, or Ass, Sixpence.

For every Handcart, Threepence.

For every Wheelbarrow, Twopence.

For every Pipe, Puncheon, or Hogshead not conveyed in Carts, Sixpence.

For every other Barrel not so conveyed, Threepence.

For every Case, Bale, Bag, Sack, or other Package not so conveyed, and not otherwise charged as above, and not being the Luggage of a Passenger coming from or going to any Ferry or other Boat, Threepence.

For each extra Horse, Mule, or Ass drawing, Threepence.

For every Horse, Mule, or Ass not drawing, Threepence.

For every Ox, Bull, Cow, or Bullock, Fourpence.

For every Calf, Sheep, Lamb, or Pig, Twopence.

SCHEDULE (B.)

ARTICLES OF AGREEMENT entered into this Twenty-third Day of April One thousand eight hundred and sixty, between the Mersey Docks and Harbour Board of the one Part, and the Birkenhead Improvement Commissioners of the other Part: Whereas by "The Mersey Docks and Harbour (Works) Act, 1858," Section 6., the Board were authorized to provide and erect a Floating Landing Stage in the front of and connected with a Sea Wall authorized to be erected for enclosing Part of the Woodside Basin at Birkenhead, and by Section 39. of the same Act the Board were directed to appropriate and set apart for the Accommodation of the Traffic, and for the general Purposes of Woodside Ferry exclusively, and without receiving any Payment for the same, such Portion of the Landing Stage thereby authorized to be constructed at Woodside aforesaid as should form the Southern End thereof of the Length of Three hundred Feet; and such Portion, when so appropriated, should thenceforward be under the Control and Management in all things of and be kept in good and substantial Repair by the Birkenhead Improvement Commissioners or other the Persons who for the Time being should be the Owners of the said Ferry; and the remaining Portion of such Landing Stage should be under the exclusive Control and Management of the Board, but should not be used except by Steam Vessels plying beyond the Port of Liverpool: And whereas the said Sea Wall and Landing Stage have not yet been completed: And whereas great Inconvenience is experienced in the Passage of Carriages, Carts, and other Vehicles between Liverpool and Birkenhead, by reason of the Difficulty in embarking and disembarking the same on and from the Ferry Boats plying between the opposite Shores of the River Mersey, and it would be a great public Accommodation if the Board were authorized to make Floating Bridges, Piers, or Jetties between the Prince's Landing Stage at Liverpool and the adjacent Quays, and between the said intended Landing Stage at Birkenhead and the said intended Sea Wall, so as to enable Carriages, Carts, and Vehicles to pass and repass to the said Landing Stages respectively at all States of the Tide: And whereas a Bill is now pending in Parliament for the Purpose of authorizing the Construction by the said Board of certain Floating Bridges, Piers, or Jetties, and other Works at Liverpool and at Birkenhead, in order to enable Carriages, Carts, and Vehicles to pass and repass to the said Landing Stages at all States of the Tide; and by the same Bill Power is sought for the said Board to demand and take certain Tolls in respect of all Carriages, Carts, and other Vehicles, Goods, Cattle and other Animals, passing through the Toll Gates and Toll Bars proposed to be erected by the said Board upon the said Floating Bridges, Piers, and Jetties, or the respective Entrances or Approaches thereto; and by the said Bill it is proposed that the said Board and the said Commissioners,

Commissioners, being the Owners or Lessees of the Woodside Ferry, may from Time to Time, if they shall deem it expedient so to do, and upon such Terms as they shall mutually think fit, agree upon the annual or other Sum or Sums of Money which the said Commissioners shall pay by way of Composition for all or any of the Tolls which would otherwise have to be paid to the Board in respect of the Carriages, Carts, and other Vehicles, Goods, Cattle and other Animals, carried by the Ferry Boats belonging to the said Commissioners, and brought, carried, or driven over any Part of the Floating Bridges, Piers, or Jetties by the intended Act authorized to be constructed, every such Sum to be paid by such Instalments as may be mutually agreed upon, and out of any Monies belonging to or under the Control of the Commissioners; and that the Board may from Time to Time, if they shall deem it expedient so to do, and upon such Terms as may be mutually agreed upon, compound with the Owners and Lessees for the Time being of all or any other of the Ferries now existing or hereafter to be established across the River Mersey, for the Payment of all or any of the Tolls by the intended Act authorized to be taken by the Board in respect of the Carriages, Carts, and other Vehicles, Goods, Cattle and other Animals, loaded, discharged, embarked, or disembarked into or from any Ferry or other Boat belonging to or employed by any such Owner or Lessee; and it is by the said Bill proposed to be provided, that every such Composition as aforesaid which may be agreed upon between the Owners or Lessees of the Woodside Ferry, or with the Owners or Lessees of any other Ferry, may be calculated upon such Basis, having regard to the estimated Amount and Nature of the Traffic making use of such Ferry, and the Extent of the Accommodation afforded by the Board, as may be agreed upon between the Board and such respective Owners or Lessees; and any such Composition may be in the Nature of a Per-centage on the gross or net Revenue actually received by such Owners or Lessees from or on account of their respective Ferries, it being thereby provided that every such Composition may be for such Period as may be agreed upon between the Parties thereto: And whereas the said Commissioners are desirous that the said Bill should pass into and become Law, and that the said intended Works should be constructed by the said Board, provided that the said Commissioners and the said Board can first mutually agree upon the Terms upon which the said Commissioners shall compound for the Tolls which would otherwise have to be paid to the said Board in respect of the Carriages, Carts, and other Vehicles, Goods, Cattle and other Animals, carried by the Ferry Boats belonging to the said Commissioners, and brought, carried, or driven over any Part of the Floating Bridges, Piers, or Jetties proposed to be constructed by the said Board:

Now these Presents witness, that, subject to the Sanction of Parliament, it is hereby agreed between the Mersey Docks and Harbour Board and the Birkenhead Improvement Commissioners as follows; (that is to say,)

1. That the Amount which shall be paid by the said Commissioners to and which shall be accepted by the said Board by way of Composition for the Tolls which would otherwise have to be paid to the Board in respect of the Carriages, Carts, and other Vehicles, Goods, Cattle and Animals, carried by the Ferry Boats belonging to the said Commissioners, and brought, carried, or driven over any Part of the said Floating Bridges, Piers, or Jetties proposed to be constructed by the Board, shall be calculated as follows; that is to say, such Amount shall be a Sum equal to Twenty-five Pounds per Cent. on the gross Revenue which shall be derived by the said Commissioners from the Conveyance from and to Birkenhead to and from Liverpool of all Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, mentioned in Schedule (A.) to the said Bill.

2. That

2. That on or before the Day on which the said Floating Bridges, Piers, or Jetties, as well at Birkenhead as at Liverpool, shall have been opened or declared by the said Board to have been opened for public Traffic, proper and convenient Books of Account and other Books shall be provided by and at the Expense of the said Commissioners, in which plain and proper Entries shall from Time to Time be made of the Number, Description, and Quantity, and according to the Classification contained in Schedule (A.) to the said Bill, of all Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, mentioned in the said Schedule, which shall on each and every Day be conveyed by the said Commissioners from and to Birkenhead to and from Liverpool, and also of the gross Amount of the Revenue derived by the said Commissioners from the Conveyance of such Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, distinguishing the Amount so received or becoming due on each Day in respect of each Class or Species of such Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, according to the Classification contained in Schedule (A.) to the said Bill.

3. That half-yearly or at such other convenient Time as may be agreed upon between the said Commissioners and the said Board a correct Return of the Number of all Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, mentioned in the said Schedule (A.), which shall be conveyed by the said Commissioners from or to Birkenhead, and to and from Liverpool, during the preceding Half Year (or in the Case of the first of such Returns for the Half Year or Portion of the Half Year during which the said Floating Bridges, Piers, and Jetties shall have been opened for public Traffic), and also of the gross Revenue which shall have been derived by the said Commissioners from such Traffic, shall be made out by the said Commissioners from the Books so required to be kept by them as aforesaid, and being signed by their Ferry Manager or other proper Officer in testimony of the Correctness of such Return shall be delivered at the Dock Office of the said Board at Liverpool.

4. That on the First of January and First of July in each Year, or on such other Days as may from Time to Time be agreed upon between the said Commissioners and the said Board, the said Commissioners shall pay or cause to be paid to the said Board or to their Treasurer a Sum equal to Twenty-five Pounds per Cent. on the gross Revenue, as shown by the said Return to have been derived by the said Commissioners from such Traffic as aforesaid.

5. That the said Board and every Member thereof for the Time being, and also any Person from Time to Time or at any Time authorized by the Board so to do, shall have free Liberty at all reasonable Times to inspect, examine, transcribe, and copy all or any Portion of the Books and Accounts of the said Commissioners in any way relating to the Ferry Traffic, or to the Revenue arising therefrom.

6. That in case any Error shall be discovered by the Board to have been made in any such half-yearly Return as aforesaid, whereby the Amount of the Revenue derived by the said Commissioners during the Period to which such Return may relate shall have been understated, in consequence whereof a less Sum shall appear to have become payable to the said Board than ought to have been the Case, the Amount of such Deficiency shall be added by the said Commissioners to the first half-yearly Return which shall be made by them

them after the Amount of such Deficiency shall have been determined, and a proportionate Increase shall also be made in the then next half-yearly Payment by the said Commissioners to the said Board; and in case of any such Error whereby the said Revenue of the said Commissioners shall have been overstated, and a larger Sum shall have been paid to the said Board than ought to have been paid, the Amount of such Excess shall be deducted by the said Commissioners from their then next half-yearly Payment to the said Board.

7. That all such half-yearly Returns shall, except only in case of actual Fraud, be deemed and taken to be correct after the Expiration of Six Calendar Months, if not previously objected to by the said Board or the said Commissioners as being incorrect.

8. That in case the said Floating Bridge, Pier, or Jetty on the Liverpool Side shall be completed and opened by the said Board for public Traffic previously to the Completion of the Floating Bridge, Pier, or Jetty on the Birkenhead Side, then the said Board shall be entitled to receive Two Thirds only of the Composition hereby agreed to thenceforth and until the Completion of the said Floating Bridge, Pier, and Jetty on the Birkenhead Side; and that in case the said last-mentioned Floating Bridge, Pier, or Jetty shall be completed and opened for public Traffic previously to the Completion of the said Floating Bridge, Pier, or Jetty on the Liverpool Side, then and in such Case the said Board shall be entitled to receive One Third only of the Composition hereby agreed to thenceforth and until the Completion of the said Floating Bridge, Pier, and Jetty on the Liverpool Side.

9. And it is hereby further agreed and declared between and by the said Parties hereto, and the Mersey Docks and Harbour Board do hereby expressly agree and consent, that if and in case at any Time hereafter the said Board shall compound with the Owners or Lessees for the Time being of all or any of the other Ferries for the Time being in existence across the River Mersey for the Payment of all and not merely some of the Tolls by the said intended Act authorized to be taken by the said Board in respect of the Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, loaded, discharged, embarked, or disembarked into or from any Ferry or other Boat belonging to or employed by such Owners or Lessees of such Ferries respectively, upon Terms by which, in Cases where the said Board shall not have expended any Money in constructing, varying, altering, or improving any new or existing Floating Bridges, Piers, Jetties, or other Works for the Accommodation of such Ferries or any of them, at any Place or Places other than at the Prince's Landing Stage at Liverpool, the said Board shall actually receive a lower Per-centage than Sixteen Pounds Thirteen Shillings and Fourpence per Cent. on the gross Revenue derived by the Owners or Lessees for the Time being of the said Ferry or Ferries from the Conveyance from or to the Prince's Landing Stage at Liverpool to or from any other Place or Places on the River Mersey of Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, mentioned in the said Schedule (A.), then and in such Case, and as often as the same shall happen, and so long as the said Board shall receive or be entitled to receive such lower Per-centage as aforesaid, they shall allow to the said Commissioners a Rebate or Reduction from the aforesaid Per-centage of Twenty-five Pounds per Cent. at the Rate of One Twenty-fifth Part thereof for every One Pound per Cent. which such lower Per-centage as aforesaid shall be under the said Rate of Sixteen Pounds Thirteen

Thirteen Shillings and Fourpence per Cent. on the gross Revenue derived by such Owners or Lessees for the Time being as aforesaid, and so in proportion for any greater or less Amount.

10. That if the Owners or Lessees for the Time being of any Ferry or Ferries who shall have entered into any such Composition as aforesaid shall charge for the Conveyance of Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, mentioned in the said Schedule (A.), Rates other than those for the Time being charged by the said Commissioners in respect of the same Description of Traffic, then and in every such Case, for the Purpose of calculating whether the Amount payable to the said Board by such Owners or Lessees for the Time being does or does not bear such a Proportion to the Revenue derived by them from such Traffic as aforesaid as to entitle the said Commissioners to any Rebate or Reduction under the Provision last herein-before contained, the Revenue considered to be derived by such Owners or Lessees shall for such Purpose, but for no other, be not the Revenue actually derived by them, but a Sum equal to the Amount of the Revenue which would be derived by them from the same Amount of Traffic if the Rates charged by them for the Conveyance of Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, were the same as those for the Time being actually charged by the said Commissioners in respect of the same Description of Traffic: Provided always, that in case the said Board shall at any Time agree with the Owners and Lessees for the Time being of any other Ferry or Ferries for the Payment of a fixed annual, monthly, or other periodical Sum, by way of Composition for the Tolls which would otherwise be payable in respect of Carriages, Carts, and other Vehicles, Goods, Packages (other than Passengers Luggage), Cattle and other Animals and Things, loaded, discharged, embarked, or disembarked into or from any Ferry or other Boat belonging to or employed by them, and such Sum shall, in the Opinion of the said Board, be not less in Amount than a Sum equal to Sixteen Pounds Thirteen Shillings and Fourpence per Cent. on the gross Amount of the Revenue derived by such Owners or Lessees in respect of such Traffic as aforesaid, the Receipt of such Payment by the said Board shall not, although actually less than a Sum equal to Sixteen Pounds Thirteen Shillings and Fourpence per Cent. on such gross Amount as aforesaid, in any Manner entitle the said Commissioners to any Rebate or Reduction from the Amount of the Money payable by them to the said Board in respect of the aforesaid Per-centage of Twenty-five Pounds per Cent.

11. That the said Board shall forthwith, after obtaining the necessary Parliamentary Powers so to do, construct and complete the several Floating Bridges, Piers, and Jetties mentioned in the said Bill, and will at all Times thereafter maintain and keep the same in a substantial Working State of Repair and Condition.

12. That if any Dispute or Difference shall at any Time happen to arise between the said Commissioners and the said Board respecting the Amount of any half-yearly or other Sum payable by the said Commissioners to the said Board under this Agreement, or as to whether the said Commissioners may or may not be entitled to any Rebate or Reduction, from any Cause, in respect of any half-yearly or other Sum payable by them to the said Board, or in respect of any other Matter relative to such Accounts, or touching the Construction of these Presents, or any Clause or Agreement herein contained, or any Breach or alleged Breach of any of the Agreements herein contained, or touching any Money payable or alleged to be payable by either of the

said

said Parties hereto to the other of them, or touching any other Matter or Thing arising out of these Presents, then and in every such Case such Question or Difference shall be referred to an Arbitrator to be appointed as herein-after mentioned, whose Award shall be final and conclusive on both Parties; that is to say, as often as any such Dispute or Difference shall arise an Accountant or other competent Person shall be appointed as Arbitrator by the Chairman of the said Board, the Chairman of the said Commissioners, and such Third Person as they shall agree upon, or by any Two of such Three Persons, upon the Request in Writing of either of the Parties in difference; and in case of the Death or the Inability or Unwillingness of such Arbitrator to act or further to act in the Matters referred to him previously to the making of his Award, some other Accountant or competent Person shall in like Manner be appointed to act as Arbitrator.

13. Provided always, that nothing herein contained shall in any Manner prejudice or interfere with any of the Powers of the said Board for making Byelaws, Rules, or Regulations in any way relating to the said Landing Stages or either of them, or the Floating Bridges or other Approaches thereto, or the Persons, Animals, Goods, or Articles passing, brought, or driven over the same or any Part thereof respectively.

14. Provided always, and it is hereby lastly agreed between and by the said Parties hereto, that if at any Time or from any Cause whatsoever any Default shall be made for Six Months or upwards in Payment of all or any Part of any periodical Payment agreed to be paid by the said Commissioners to the said Board on the Days herein-before appointed for the Payment thereof, then and in such Case the Board, if they shall so think fit, may declare that this Agreement, and every Matter and Thing herein contained, shall absolutely cease and determine.

15. And it is hereby lastly agreed between the said Parties hereto, that unless the said Bill shall pass into and become Law in the present Session of Parliament, and this present Agreement shall be expressly confirmed by some Clause to be inserted therein, this present Agreement and every Provision herein contained shall be absolutely void to all Intents and Purposes whatsoever.

In witness whereof the said Parties to these Presents have hereunto affixed their respective Common Seals, the Day and Year first above written.

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