ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

***

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 27., and 23 & 24 Vict. c. 106. incorporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Harbours, Docks, and Piers Clauses Act, 1847," except as herein-after provided, shall be incorporated with and form Part of this Act: Provided nevertheless, that the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," "with respect to Lifeboats," and "with respect to keeping a Tide and Weather Gauge," shall not be in force for the Purposes of this Act except so far as from Time to Time the same may be required by the Board of Trade.

Interpretation of Terms.

2. The following Words and Expressions shall in this Act have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Undertakers" shall mean *George John Chamberlaine* Esquire, of *Chester*, his Heirs or Assigns:

The Expression "the Docks" shall mean the Docks and the Works connected therewith by this Act authorized to be constructed.

Power to make Docks according to deposited Plans.

3. It shall be lawful for the Undertakers, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Docks in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections; and the Undertakers may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes, and they may make and maintain all necessary Basins, Cuts, Gates, Bridges, Quays, Stages, Staiths, Warehouses, Approaches, and other Works and Conveniences in connexion with the Docks.

Undertakers may deviate to Extent marked on Plans.

4. Subject to the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," and of this Act, the Undertakers may, in constructing the Works by this Act authorized, deviate to the Extent of the Limits of Deviation marked on the said Plans.

Powers for compulsory Purchases limited.

5. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

6. The Docks shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Undertakers for making the Docks or otherwise in relation thereto shall cease to be exercised, except as to so much of the Docks as shall then be completed.

7. And

Provision as to Outfall Sewer for Birkenhead and Tranmere.

7. And whereas the Works by this Act authorized will interfere with an existing Outfall Sewer for the Townships of *Birkenhead* and *Tranmere*: Therefore, before constructing any Works whereby such Outfall Sewer shall be interfered with, the Undertakers shall at their own Expense construct a new Sewer in the Direction and Manner and subject to the Terms and Conditions which have been agreed to between the *Birkenhead* Improvement Commissioners of the First Part, the Local Board of the District of *Tranmere* of the Second Part, and the Undertakers of the Third Part; and the said Commissioners and Local Board, or either of them, shall at all Times hereafter have free Access to the said Sewer for the Purpose of repairing, cleansing, renewing, and maintaining the same, subject to the Terms and Conditions which have also been agreed to between the same Parties.

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

8. Previously to commencing any Work whatever as authorized by this Act, the Undertakers 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 Undertakers 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 Undertakers, and the Amount thereof shall be a Debt due from the Undertakers 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 Undertakers; and it shall be in the Power of the said Lord High Admiral or the said Commissioners to require such Modifications and Alterations of the deposited Plans as to them may seem necessary.

Power to Admiralty to order a local Survey when requisite.

9. If at any Time it is deemed expedient by the Lords of the Admiralty to order a local Survey and Examination of any Works of the Undertakers in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Undertakers shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due from the Undertakers to the Crown, and be recoverable accordingly, with Costs, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Undertakers.

10. If

Works affecting tidal Waters abandoned may be removed by Admiralty, at Expense of Undertakers.

10. If any Work to be constructed by the Undertakers in, under, over, through, or across any tidal or navigable Water or River, or if any Portion of any 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, the Lords of the Admiralty may abate and remove the same or any Part thereof, and restore the Site thereof to its former Condition, at the Expense of the Undertakers, and the Amount of such Expense shall be a Debt due from the Undertakers to the Crown, and be recoverable accordingly, with Costs, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Undertakers.

For securing Communication between Docks and Works of London and North Western and Great Western Railway Companies and River Mersey during Construction of Works.

11. Whereas the *London and North-western* Railway Company and the *Great Western* Railway Company (herein-after called the Two Companies) are the Owners of a Dock, Quays, Wharves, and other Works and Land at *Tranmere*, and are executing other Works in connexion therewith, and the Construction of the Docks and other Works by this Act authorized might interfere with the Access to and from and the Communication between the said Dock, Quays, Wharves, Works, and Land of the Two Companies and the River *Mersey*, and the Execution of the Works now in course of Construction, and it is expedient that Provision be made with reference thereto: Therefore the Undertakers shall and they are hereby required, from Time to Time and at all Times during the Construction of the Docks and Works by this Act authorized, so far as is practicable, to keep open a Channel or Cut between the River *Mersey* and the Dock, Quays, Wharves, and Land of the Two Companies, so as to allow and secure to all Vessels, Cargoes, and Traffic destined for or coming from the Dock, Quays, Wharves, Works, or Land of the Two Companies full and uninterrupted Access to and from and Communication with the River *Mersey*; and if the Undertakers shall fail to keep open, so far as is practicable, such Channel or Cut as aforesaid, they shall forfeit to the Two Companies, by way of liquidated Damages, any Sum not exceeding Ten Pounds for every Hour during which such Interruption shall continue, the same to be recovered in case of Nonpayment in any Court of competent Jurisdiction.

For securing Passage through intended Docks of Traffic destined for or coming from Docks and Works of the Two Companies.

12. The Undertakers shall and they are hereby required, from Time to Time and at all Times after the Construction of the Docks and Works by this Act authorized, to suffer and permit all Vessels, Cargoes, and Traffic destined for or coming from the Dock, Quay, Wharves, or other Works and Land of the Two Companies, full and free Liberty to pass through the Docks by this Act authorized free from all Tonnage and other Rates by this Act granted; and for the Purpose of such Passage the Undertakers shall at their own Costs and Charges open or cause to be opened such of the Dock Gates or other Works as may be necessary for allowing the passing and repassing of such Vessels, Cargoes, and Traffic in or through the said Docks at all reasonable Times

Times before or after High Water; and if the Undertakers or any of their Officers or Servants shall wilfully obstruct the Passage of any such Vessels, Cargo, or Traffic through the said Docks in manner and during the Times aforesaid, the Undertakers shall pay to the said Companies, or to the Owner of the Vessel, Cargo, or Traffic, any Loss or Damage which may be sustained by them respectively in consequence of such Default or Obstruction.

Lands of the Two Companies not to be taken without Consent.

13. The Undertakers shall not, without in every Case the previous Consent of the Two Companies in Writing under their respective Common Seals, take, use, enter upon, or interfere with any of the Lands now belonging to or in the Possession of the Two Companies, or which they are now empowered to purchase or acquire.

Saving Rights of the Two Companies.

14. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, Privileges, or Authorities of the Two Companies further or otherwise than is herein expressly provided.

Lines of Rails to be laid down on Docks and along Quays.

15. The Undertakers shall construct and maintain convenient Lines of Rail throughout the Docks and along the Quays to be constructed under the Authority of this Act, so as to secure to the Two Companies or either of them such uninterrupted Access by Railway from the Dock, Wharves, and Works of the Two Companies as will enable them or either of them to convey Traffic, without Change of Carriage, and free of Charge, to and from the Docks and Works authorized by this Act along such Railways, subject to such reasonable Rules and Regulations as the Undertakers may find it necessary to make from Time to Time for the Protection of public Interests, and the proper and convenient working of the Docks.

Facilities to be afforded for effecting Junctions between Lines of Rails on Quays and those of the Undertakers.

16. The Two Companies from Time to Time shall afford to the Undertakers all reasonable and proper Facilities for the Formation of Junctions between the Lines of Rails so to be constructed by the Undertakers on the Quays to be constructed under the Authority of this Act, and the Lines of Rails constructed or to be constructed by the Two Companies on the Quays or Wharves belonging to them, and fronting to the said Docks.

Limits of Powers of Dock Master.

17. The Limits within which the Powers of the Dock Master may be exercised shall be the Docks and Entrances thereof, and the Distance of One hundred Yards measured in all Directions in the River *Mersey* from the outer Gates of the said Docks.

Byelaws as to Disposal of Ballast.

18. The Undertakers from Time to Time may make, alter, and repeal such Byelaws as they think fit for regulating the Removal and Disposal within the before-mentioned Limits of all Ballast brought by Vessels

entering those Limits, and for regulating the Supply of Ballast to Vessels within the Limits of this Act, so as to prevent Ballast being thrown or allowed to fall overboard within those Limits; and the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to Byelaws, shall extend and apply to any Byelaw which may be made under this Enactment.

Power to acquire Lands for Deposit of Ballast.

19. The Undertakers may from Time to Time, by Agreement, purchase or take on Lease, for the Deposit of Ballast, any Lands, and any Easements, Rights, and Interests in, over, and affecting the same.

Officers of Customs to have free Access to Docks without Payment of Toll.

20. All Officers of Customs, being in the Execution of their Duty, shall have free Ingress and Egress into and out of the Docks, and through the Gates and Entrances of the same, and may freely pass and repass with their Vessels and Boats through the Locks and Water Communications of the Docks at all Times (provided the State of the Tide and Water Communications of the Docks and Premises will admit of such passing), without Payment of any Toll or Sum for so doing.

Rates payable on Vessels.

21. When and so soon as it shall from Time to Time be certified under the Hand of an Officer to be appointed by the Board of Trade for that Purpose that the Undertakers have constructed and so far completed the Docks as to afford convenient Accommodation for Vessels, the Undertakers may, although the whole of the Docks shall not then have been completed, demand for every Vessel (other than Steam Vessels) entering the Docks or leaving the same any Sum not exceeding One Shilling for every registered Ton of such Vessel, and for and in respect of every Steam Vessel entering the Docks or departing therefrom any Sum not exceeding One Shilling and Sixpence for every registered Ton of such Vessel, and every such Rate or Sum shall be payable by the Master of the Vessel.

Duties not to extend to Lighters or Craft on Mersey or Canals coming into same.

22. This Act shall not extend to charge with any Rates any Lighters or other Vessels conveying any Goods to or from any Parts or Places situate within the Extent and Limits of the River *Mersey*, or from or to any inland Canal, or inland navigable River communicating or hereafter to communicate, either by itself or by any navigable Canal, with the said River *Mersey*.

Further Tonnage Rates for Vessels remaining in Docks longer than Fourteen Days.

23. If any Vessel using the Docks, whether the same Vessel shall previously have paid or been liable to pay Tonnage Rates or not, shall remain in the Docks for any longer Space of Time than Fourteen Days, the Undertakers may demand for every such Vessel a further Rate of One Penny *per* Ton for every Four Weeks, and so on in proportion for any Period less than Four Weeks during which any such Vessel shall remain as aforesaid beyond the said Period of Fourteen Days, in addition to the Tonnage Rates payable by virtue of this Act: Provided always, that

that such additional Rates shall not be payable for any Vessel which shall have been detained by Stress of Weather.

Rates on Passengers.

24. When and so soon as any such Certificate as aforesaid shall have been obtained, the Undertakers may demand for every Passenger, including his ordinary Luggage, not exceeding Fifty-six Pounds in Weight, embarking or disembarking within the Docks, any Sum not exceeding One Shilling.

Rates on Goods.

25. When and so soon as any such Certificate as aforesaid shall have been obtained, the Undertakers may demand for all Goods which shall be brought into, or be shipped or unshipped, received or delivered, within the Docks, any Sums not exceeding the Rates which are for the Time being authorized to be taken by the *Mersey* Docks and Harbour Board in respect of the Docks at *Liverpool* and *Birkenhead*, and every such Rate shall be payable to the Undertakers by the Owner of the Goods; but Goods brought from any Part or Place situate within the Limits of the River *Mersey* or from any inland Canal or navigable River communicating therewith, or upon any Lighters, Flats, or other Vessels conveying the same, shall not, unless subsequently exported out of the Port of *Liverpool*, be liable to such Rates.

The Undertakers may charge for the Trouble of warehousing, unloading, &c.

26. The Undertakers may receive, for shipping, unshipping, landing, re-landing, weighing, and depositing in Warehouses all or any Goods, Wares, and Merchandise whatsoever which shall be shipped or landed at the Docks, or shall be warehoused upon the Premises of the Undertakers, or for all or any of such Acts, and for any other Work or Labour performed by the Undertakers in respect of such Goods, Wares, and Merchandise, such reasonable Rates and Sums of Money as the Undertakers shall from Time to Time fix and determine, so that the same shall not exceed the Rates and Sums of Money then usually paid for in respect thereof in the Port of *Liverpool*, and which Rates or Sums of Money may be recovered or recoverable by the Undertakers in the same Manner and by the same Means as the other Rates, Tolls, and Duties by this Act imposed are or shall be recoverable.

Docks, &c. not exempt from Merchant Shipping Acts and General Acts.

27. Nothing in this Act contained shall exempt the Docks or the Undertakers from the Provisions of "The Merchant Shipping Act, 1854," or any General Act relating to Docks or Dues on Shipping, or on Goods carried in Ships, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Dock Rates or Duties by this Act authorized.

Saving Rights of the Mersey Dock

28. Nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights or Privileges, or any Power, Jurisdiction, or

and Harbour Board.

or Authority, now vested in or enjoyed by the *Mersey* Dock and Harbour Board, or alter, repeal, or affect any of the Acts of Parliament relating to the said Board or the *Mersey* Dock Estate, but that all such Rights and Privileges, and every such Power, Jurisdiction, Authority, and Act, shall continue and be preserved, and be in force, as if this Act had not been passed.

Saving Rights of the Crown.

29. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Undertakers to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); neither shall anything in the said Act or Acts contained empower the Undertakers, without the like Consent in Writing, to enter upon, take, or use any Part of certain Land coloured Brown on the Plan referred to in an Indenture of Conveyance dated the Seventeenth Day of *March* One thousand eight hundred and fifty-seven, and made between the Queen's most Excellent Majesty of the First Part, the Honourable *Charles Alexander Gore*, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, of the Second Part, and the *Birkenhead, Lancashire, and Cheshire* Railway Company of the Third Part.

Short Title.

Expenses of Act.

30. This Act may be cited as "The *Tranmere* Docks Act, 1863;" and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Undertakers.

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