



CHAPTER clxii.

An Act to authorise the Mersey Docks and Harbour Board
to construct Railways and alter and improve their Dock
accommodation and Works and for other purposes. A.D. 1893.

[27th July 1893.]

WHEREAS by the Mersey Docks and Harbour Act 1857
(being an Act for consolidating the docks at Liverpool and
Birkenhead into one estate for vesting the control and management
of them in one public trust and for other purposes) the Mersey
Docks and Harbour Board (in this Act called "the Board") were
incorporated for the purposes therein mentioned :

And whereas in order to meet the requirements of the trade of
the port it is expedient that the Board be authorised to construct the
railways and works and alterations and improvement of existing
works mentioned in this Act :

And whereas by section 9 of the Mersey Docks Act 1884 the
Board were empowered (in addition to any other lands which by
that Act or any other Act the Board are authorised to purchase and
acquire) to purchase and acquire by agreement and for the improve-
ment and development of their dock estate and to hold as part
of that estate any lands not exceeding in the whole two hundred
acres :

And whereas the power of the Board of purchasing and acquiring
lands under the said section has been nearly exhausted and it is
expedient that the quantity of land mentioned in that section be
increased :

And whereas it is expedient that the provisions of Part XV. of
the Mersey Dock Acts Consolidation Act 1858 (herein-after called
"the Act of 1858") with respect to the recovery of penalties
(except section 328) be extended and made applicable to and in the
case of all penalties for the breach of any byelaws of the Board :

And whereas plans and sections of the works by this Act
authorised showing the lines or situations and levels thereof and the

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lands on which the same are intended to be made and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county palatine of Lancaster and are in this Act referred to as "the deposited plans sections and book of reference" respectively:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Mersey Dock (Various Powers) Act 1893.

Incorporation of Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 and so much of the Act of 1858 as relates to the meanings to be assigned to certain words and expressions (being section 3 of that Act) and Part XIII. of that Act (with respect to borrowing powers and dock debt) are (except where expressly varied by this Act) incorporated with and form part of this Act Section 267 (Exemption of vessels in Her Majesty's service &c. from rates) of the Act of 1858 shall be deemed to include and apply to the railways and works by this Act authorised.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and in construing for the purposes of this Act any Act wholly or partially incorporated herewith the expression "the Company" shall mean the Board and the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Income from railways to be deemed to be rates.

4. The railways and works by this Act authorised shall for the purposes of section 4 of the Mersey Docks (Money) Act 1859 be deemed to be works authorised to be erected established and maintained by the Board and the income which shall be received by the Board from the said railways and works whether arising from tolls and charges or from payments made to them under any

agreement for the working or use of such railways or works or any part thereof shall be deemed to be rates within the meaning of the said section. A.D. 1893.

5. Subject to the provisions of this Act the Board may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the railways and works herein-after described with all necessary and proper viaducts columns bridges booms rails sidings turntables stations approaches roads buildings yards shipping-places wharves depôts warehouses sheds custom houses roofs watch-houses staiths jetties stairs landing places stages quays gates entrances locks slips cranes hydraulic lifts dolphins buoys moorings mooring chains sewers drains culverts pumping stations and apparatus sluicing apparatus and other works and conveniences in connexion therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are situate in the county palatine of Lancaster and in part on the bed and shore of the River Mersey and are— Power to
make works.

(A.) So much but so much only (being 1 furlong and 9 chains or thereabouts in length) of Railway No. 1 shown on the deposited plans and sections as lies between the junction therewith as shown on the deposited plans of Railway No. 1A by this Act authorised and the termination of the said Railway No. 1 as shown on the said plans ;

(B.) A railway (No. 1A) 7·76 chains or thereabouts in length commencing by a junction with the existing lines of rails of the Board at a point about 27 yards measured in an easterly direction from the south-east corner of Prince's Dock and terminating by a junction with the intended Railway No. 1 at a point about 14 yards measured in a south-westwardly direction from the centre of the south end of Prince's Graving Dock ;

(C.) A railway (No. 2) 9·09 chains or thereabouts in length commencing by a junction with the existing lines of rails of the Board at a point about 33 yards measured in a north-easterly direction from the south-east corner of Prince's Half Tide Dock and terminating by a junction with the intended Railway No. 1 at its termination as above described ;

(D.) A railway (No. 2A) 2·65 chains or thereabouts in length commencing by a junction with the existing lines of rails of the Board at a point about 47 yards measured in a south-eastwardly direction from the north-east corner of Prince's Dock and terminating by a junction with the intended Railway No. 2 at

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- a point about 12 yards measured in a northwardly direction from the said north-east corner of Prince's Dock ;
- (E.) A railway (No. 3) 8·64 chains or thereabouts in length commencing by a junction with the said Railway No. 2 at a point about 32 yards measured in a north-eastwardly direction from the north-west corner of Prince's Dock and terminating on the pier or jetty (F) next herein-after described at a point about 160 yards measured in a north-westwardly direction from the north side of the shore end of No. 7 bridge connecting the Prince's Landing Stage with the Prince's Parade ;
- (F.) A pier or jetty on the foreshore or bed of the River Mersey commencing at a point on the existing river wall on the south side of the southern entrance to Prince's Half Tide Dock about 43 yards measured in a south-westwardly direction from the south-western hollow quoin of the said entrance and terminating at a point on the foreshore or bed of the River Mersey about 148 yards measured in a north-westwardly direction from the north side of the shore end of No. 7 bridge above mentioned ;
- (G.) The extension for about 100 yards in a north-westwardly direction of the Prince's Landing Stage with a bridge to connect it with the Prince's Parade situate about 87 yards northward from and parallel or nearly parallel to the No. 7 bridge above mentioned ;
- (H.) The narrowing on its western side of the Prince's Dock for the whole of its length ;
- (I.) A railway (No. 4) 2 furlongs and 3·49 chains or thereabouts in length commencing by a junction with the existing rails of the Board at a point about 45 yards measured in an eastwardly direction from the north-east corner of the East Waterloo Dock and terminating at a point on the existing river wall about 60 yards measured in a south-westwardly direction from the north-west corner of the Trafalgar Dock ;
- (J.) A railway (No. 4A) 3·09 chains or thereabouts in length commencing by a junction with the existing rails of the Board at a point about 30 yards measured in a north-eastwardly direction from the south-east corner of Victoria Dock and terminating by a junction with the intended Railway No. 4 at a point about 33 yards measured in a south-westwardly direction from the south-east corner of Victoria Dock ;
- (K.) A railway (No. 4B) 6·44 chains or thereabouts in length commencing by a junction with the intended Railway No. 4 at the west end of the existing bridge over the passage con-

- necting the West Waterloo Dock with the Victoria Dock and extending thence in a westwardly direction and terminating on the intended floating landing stage (N) herein-after described ;
- (L.) A railway (No. 4c) 3·8 chains or thereabouts in length commencing by a junction with the intended Railway No. 4 on the existing river wall at a point about 60 yards measured in a south-western direction from the north-west corner of Trafalgar Dock and extending thence in a westwardly direction and terminating on the intended floating landing stage (N) ;
- (M.) A pier on the foreshore or bed of the River Mersey commencing at a point on the river wall on the north side of the northern entrance to the Prince's Half Tide Dock about 67 yards measured in a north-westwardly direction from the north-west hollow quoin of the last-mentioned entrance and terminating at a point on the river wall about 43 yards measured in a south-westwardly direction from the north-west corner of Trafalgar Dock ;
- (N.) A floating landing stage in the River Mersey commencing at a point in the River Mersey about 140 yards measured in a north-westwardly direction from the south-west corner of the West Waterloo Dock and terminating in the River Mersey at a point about 110 yards measured in a direction about west-by-south from the north-west corner of Trafalgar Dock together with three bridges and two platforms to connect the said landing stage with the pier (M) above mentioned such bridges and platforms running respectively nearly east and west and being situate as follows The southernmost of such bridges being about 50 yards northward from the intended commencement as above described of the said landing stage the central one of such bridges being opposite or nearly opposite the south-western corner of Victoria Dock and the northernmost of such bridges being about 50 yards southward from the intended termination as above described of the said landing stage and one of the said platforms being about 15 yards northward from the northernmost of the said three bridges and the other of such platforms being about 15 yards southward from the central one of the said three bridges together with a line or lines of rails upon the said landing stage for the whole length or nearly the whole length thereof with junctions with the intended railways No. 4B and No. 4c respectively at or near the intended terminations on the said landing stage of the said railways No. 4B and No. 4c respectively as above described ;

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- (o.) The narrowing on their western sides of the Victoria and Trafalgar Docks respectively for the whole of the length of such sides ;
- (p.) The widening of the passage between the said Victoria and Trafalgar Docks by shortening at its western end the quay between those docks ;
- (q.) The narrowing on its southern side of the said Victoria Dock for the whole length to the eastward of the passage between that dock and the West Waterloo Dock.

Lateral and vertical deviations.

6. In executing the works by this Act authorised the Board may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding in the case of the railways two feet and in the case of other works five feet Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Board of Trade or otherwise in such manner as is expressly authorised by the Board of Trade.

Power to dredge bed and shore of River Mersey.

7. The Board from time to time may deepen and dredge the bed and shore of the River Mersey adjoining or opposite to any of the works by this Act authorised or any works or lands for the time being belonging to the Board :

Provided that nothing herein contained shall authorise the Board to reduce the natural thickness of substance between the tunnel and works of the Mersey Railway Company and the water in the River Mersey.

For protection of Corporation of Liverpool.

8. For the protection of the Mayor Aldermen and Citizens of the city of Liverpool (in this section called "the corporation") the following provisions shall have effect (that is to say) :—

- (1.) Whenever any of the water mains or pipes of the corporation are severed or interfered with by the works authorised by this Act and whenever it is necessary for maintaining the supply of water to lay additional water mains or pipes such additional water mains or pipes shall previous to the severance or interference be laid by the corporation at the expense of the Board ;
- (2.) If by reason of the execution of any of the powers of this Act any increased length of water mains or pipes become

necessary the same shall be laid down by the corporation at the expense of the Board upon such plan and in such manner as may be approved of by the corporation ;

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- (3.) Whenever by the appropriation or destruction of property by this Act authorised any water mains or pipes laid for the supply of such property (except pipes inside such property) are rendered unnecessary the Board shall pay the corporation the cost of laying an equivalent length of water mains or pipes and the cost of the works required for the discontinuance of such water mains or pipes rendered unnecessary as estimated by the water engineer of the corporation and the water mains and pipes so rendered unnecessary shall be the property of the Board.

9. The following provisions for the protection and benefit of the Liverpool Overhead Railway Company (in this section called "the company") shall apply and have effect :—

For the protection of the Liverpool Overhead Railway Company.

- (1.) The Board shall so exercise the powers conferred upon them by this Act both in regard to the execution and maintenance of works and the working of the railways hereby authorised as not in any way (unless by agreement with the company)—

(A.) To injure or interfere with the existing structure of the company's railway or the existing viaduct columns supports and works connected therewith or the existing approaches thereto ;

(B.) To cause any interruption to the passage or conduct of traffic over such railway as now existing or to cause any obstruction to or interference with the existing approaches to the existing stations thereon ;

- (2.) The Board shall not use electricity for the purpose of working the railways hereby authorised except in such manner as shall be agreed between the Board and the company or failing such agreement then in such manner as shall be determined with the object of preventing as far as possible any interference with the electric circuits used by the company for working their railway by an engineer to be appointed for that purpose by the Board of Trade on the written application of the Board and the company or either of them Provided always that nothing herein contained shall prejudice or affect the right of the Board at any future time to apply to Parliament to repeal or amend the foregoing provisions with respect to the use of electricity in accordance with the report of a Joint Committee of both Houses of Parliament (whether such report shall or shall not be retrospective in its recommendations).

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Period for compulsory purchase of lands.

Power to take easements &c. by agreement.

Restriction on taking houses of labouring class.

Period for completion of works.

As to rates &c.

10. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Board any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

12. The Board shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more such houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

13. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Board for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

14. The Board may from time to time demand and take for the use of all or any of the works by this Act authorised and works and conveniences connected therewith and for services performed by them in connexion with the user thereof by other persons or corporations such reasonable tolls rates and charges as the Board think fit and the Board of Trade from time to time approve in

writing under the hand of the Secretary or an Assistant Secretary of that Board: A.D. 1893.

Provided always that any such tolls rates and charges shall apply equally to all vessels of the same class or description or carrying the same description of cargo and in like circumstances.

15. The works by this Act authorised shall be deemed to be works authorised to be erected established and maintained by the Board within the meaning of section 284 of the Act of 1858 and shall also be deemed to be works for the improvement of the Mersey Dock Estate on the Liverpool side of the River Mersey within the meaning of section 5 of the Mersey Docks (Various Powers) Act 1867 and all moneys expended by the Board for or in connexion with the purchase of lands or for compensation for the injuriously affecting of lands or otherwise for the purposes of this Act shall be deemed to be part of the cost of the works by this Act authorised. Works to be deemed authorised works within the meaning of the Acts of 1858 and 1867.

16. Section 9 of the Mersey Docks Act 1884 shall be read and construed as if five hundred acres had been mentioned therein instead of two hundred acres as the additional quantity of land which the Board may purchase and acquire by agreement. Provided always that any lands which by any other Act passed or to be passed during the present Session the Board are empowered to purchase or acquire by agreement shall not be included in or be taken in diminution of that quantity of five hundred acres: Acquisition of lands by agreement.

Provided further that nothing in this Act shall exempt the Board from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this Act.

17. The provisions of Part XV. (except section 328) of the Act of 1858 shall extend and apply to and in the case of all or any penalties attached or to be attached to the breach or non-observance of any byelaw made by the Board under the powers of this Act or of any Act or Acts already passed. Extending application of Part XV. of Act of 1858.

18. Subject to the provisions of this Act the Board may from time to time for the purposes of this Act and for enlarging and extending their existing warehouses and sheds and other accommodation in connexion with the works by this Act authorised borrow at interest on the security of the rates for the time being belonging to them (exclusive of any sum or sums of money required for the completion of the Birkenhead Docks and works and for the purposes specially provided for by the Mersey Docks and Harbour Act 1857) Further borrowing powers.

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Application of moneys borrowed under this Act.

19. All moneys borrowed by the Board under the authority of this Act shall be applied by them for purposes of this Act to which capital is properly applicable and not otherwise.

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

20. Previously to commencing any work by this Act authorised below high-water mark of ordinary spring tides the Board shall deposit at the Admiralty Office plans sections and working drawings of the said work for the approval of the Admiralty 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 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 Admiralty to abate alter and remove the same and to restore the site thereof to its former condition at the cost and charge of the Board and the amount thereof shall be a debt due from the Board to the Crown and be recoverable accordingly with costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Board.

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

21. 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 Admiralty to abate and remove the same or any such part or parts thereof as they may at any time or times deem fit and proper and to restore the site thereof to its former condition at the cost and charge of the Board and the amount thereof shall be a debt due from the Board to the Crown and if not paid upon demand may be recovered as a debt due to the Crown with the costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Board.

As to future accretions.

22. If any land not required for the purposes of this Act shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed or by any other means cease to be subject to the flow and reflow of the ordinary tides or to be permanently covered with water (and that whether gradually or imperceptibly or otherwise) the Board shall not by

virtue of the ownership of any lands which they are by virtue of this Act empowered to take or acquire have any estate right or interest in or to the land so raised in height or reclaimed or ceasing to be so subject or to be so covered as aforesaid by reason that such raising reclamation or cesser has been gradual or imperceptible or has been wholly or partially caused either by the works by this Act authorised or otherwise. A.D. 1893.

23. Nothing contained in this Act shall extend or operate to authorise the Board to take use enter upon or in any manner interfere with any land soil water or hereditaments or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said Duchy. Saving rights of the Duchy of Lancaster.

24. Nothing contained in this Act shall authorise the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors. Saving rights of the Crown in the foreshore.

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

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