



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xxx.

An Act for better supplying the Inhabitants of the
Parish of *Harrow* in the County of *Middlesex* with
Water. [2d June 1854.]

WHEREAS the Supply of Water in the Town of *Harrow-on-the-Hill* in the County of *Middlesex* being very deficient, certain Persons, for the Purpose of remedying the Evil, associated themselves into a Copartnership by the Name of "The *Harrow* Waterworks Company," under an Indenture dated the Fifth Day of *August* One thousand eight hundred and fifty-one, made between the several Persons whose Names were thereunto subscribed and Seals affixed as in the Schedule thereto annexed of the First Part, and *John Chapman* of *Harrow-on-the-Hill* aforesaid, a Trustee named and appointed for the Purpose of enforcing and giving effect to the Covenants in such Indenture contained, of the Second Part, by which Indenture it was agreed that the Capital of the said Copartnership should be Three thousand Pounds, to be raised in One hundred and fifty Shares of Twenty Pounds each: And whereas since the making of the said Indenture certain Lands have been purchased on behalf of the said Copartnership, and the same now are vested in *Henry Young* of *Essex Street, Strand*, in the County of *Middlesex*, Gentleman, as a Trustee for such Copartnership, and a Steam Engine and Buildings

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and Works have since been erected on Part of such Lands for the Purpose of providing such Supply of Water as aforesaid, and the said Works are now in operation, the Sum of Two thousand four hundred Pounds and upwards having been expended thereon by the said Copartnership: And whereas it is desirable that the Members of the said Copartnership should be united and incorporated into a Company, and that further Powers should be granted them for better carrying out the Objects thereof and securing a sufficient Supply of Water; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Provisions of
8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 17. incor-
porated with
this Act.

I. That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," (except such of the Provisions thereof as relate to the Purchase and taking of Lands otherwise than by Agreement,) and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act; and in construing those Acts respectively in connexion with this Act, the Expressions "the Undertaking" and "the Waterworks" shall include the existing Waterworks and Works connected therewith vested in the Company, or which the Company may at any Time make or become possessed of under this Act.

Same Mean-
ing to Words
in this Act
as in incor-
porated
Acts.

II. That, except as in this Act otherwise provided, the several Words and Expressions to which Meanings are assigned by the said Acts incorporated herewith or any of them, shall in this Act have the Meanings so assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction.

Construction
of Terms.

III. That in this Act the Word "Copartnership" shall mean the Firm or Partnership existing under the said Indenture immediately before the passing of this Act, and the Word "Company" shall mean the Company hereby incorporated, unless there be something in the Subject or Context repugnant to such Construction.

Short Title.

IV. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Harrow Waterworks Act, 1854.*"

Limits of
Act.

V. That the Limits of this Act shall comprise and include the Parish of *Harrow* in the County of *Middlesex*.

VI. That

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VI. That *George Frederick Harris, James Stewart, Thomas Hewlett, Henry Finch Hill the elder, Richard Brown Chapman, and James Woodbridge*, and all the other Members of the said Copartnership, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the Limits of this Act, by and under the Name of "The *Harrow Waterworks Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, and to do all other Things needful for securing, extending, and improving the said Supply of Water, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Incorporation of Company.

VII. That all Lands, Reservoirs, Works, Erections, Buildings, Rights, and Easements which immediately before the passing of this Act were vested in the said Copartnership or any Person on their Behalf, and all Mains and Pipes, Plugs, Apparatus, Matters, and Things which have been by them purchased or provided, laid down, erected, or placed in any Street or Road within the Limits of this Act, or which immediately before the passing of this Act were the Property of or belonging to the said Copartnership, and all other Property whatsoever belonging to the said Copartnership or to any Trustees on their Behalf for the Purposes of the Copartnership, shall be and the same are hereby vested in the Company.

Present Property vested in Company incorporated by this Act.

VIII. That, subject to the Provisions of this Act, the said Indenture of the Fifth Day of *August* One thousand eight hundred and fifty-one, shall, as to any future or prospective Operation thereof, from and after the passing of this Act be wholly void and of none Effect, and that the several Persons who shall have executed the same or any Deed accessory thereto, and their Heirs, Executors, and Administrators, shall immediately from and after the passing of this Act stand and be by virtue thereof released and discharged from any future Obligation to observe, perform, abide by, fulfil, or conform to the said Indenture, or the Covenants or Agreements therein contained, or any or either of them.

Indenture of 1851 to be void without Prejudice to Remedies for antecedent Breaches thereof.

IX. That all Deeds, Contracts, Bonds, and Agreements entered into or made before the passing of this Act by or with the said Copartnership, or any Trustees or any Persons acting on behalf of the said Copartnership, and in force at the passing of this Act, shall be as binding and as of full Force and Effect in all respects against or in favor

Contracts prior to Act to be binding.

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favor of the Company, and may be enforced as fully and effectually, as if, instead of the said Copartnership or the Trustees or Persons acting in behalf of the said Copartnership, the Company had been a Party thereto; and all Bodies Politic or Corporate and all Persons whomsoever who immediately before the passing of this Act were indebted to the said Copartnership in any Sum of Money shall be liable for the Payment thereof to the Company, and in case of Nonpayment thereof, or of any Part thereof, the Company may proceed for the Recovery thereof, and recover the same in such and the same Manner, and shall have and may exercise the same Remedies in respect thereof, as if the same were due to the Company under the Provisions of this Act.

Actions, &c.
not to abate.

X. Provided always, That nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which shall be pending by or against the said Copartnership or any Member thereof in relation to the Affairs of the said Copartnership, or to which the said Copartnership or any Member thereof in relation to such Affairs shall be Parties immediately before the passing of this Act; but any such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by, in favor of, or against the Company (as the Case may be) in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favor of, or against the said Copartnership or any Members thereof if this Act had not been passed, the Company being in reference to the Matters aforesaid in all respects substituted for the said Copartnership or the Members thereof.

As to Recovery of
Debts owing
at passing of
this Act.

XI. That all Debts owing by the said Copartnership before the passing of this Act may be enforced against the Company in the same Manner as if such Debts had been incurred by the Company after the passing of this Act.

Judgments
in respect of
existing Liabilities
may be enforced
against individual
Shareholders.

XII. Provided always, That if any Judgment shall at any Time after the passing of this Act be obtained against the Company in respect of any Debt or Liability owing or incurred by the said Copartnership before the passing of this Act, and such Judgment shall not, after due Diligence for that Purpose shall have been used, be fully satisfied out of the Property and Effects of the Company, then and in every such Case such Judgment may be enforced and Execution thereof issued against the Person, Property, and Effects of any Person who shall have been a Member of the said Copartnership immediately before the passing of this Act, or at the Time at which the Contract shall have been made or Tort committed in respect of which such Debt or Liability shall have been accrued or
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have been incurred, in the same Manner in all respects as if this Act had not been passed.

XIII. Provided also, That every Person against whom, or against whose Property or Effects, Execution upon any Judgment as aforesaid shall have been issued shall be entitled to recover against the Company all Loss, Damages, Costs, and Charges which such Person may have incurred by reason of such Execution; and that after due Diligence used to obtain Satisfaction thereof against the Property and Effects of the Company, such Person shall be entitled to Contribution for so much of such Loss, Damages, Costs, and Charges as shall remain unsatisfied from the several other Persons against whom Execution upon such Judgment obtained against the Company might also have been issued under the preceding Section, and that such Contribution may be recovered from such Persons as aforesaid in the same Manner as Contributions in ordinary Cases of Copartnership.

Reimbursement of Shareholders against whom Execution issued in respect of existing Liabilities.

XIV. That every Trustee or other Person in whom or in whose Name any Lands, Works, Erections, Buildings, or Property belonging to the said Copartnership were vested immediately before the passing of this Act, and who shall have entered into any Bond, Covenant, Contract, or Engagement in respect of or with reference to such Lands, Erections, Buildings, or Property, or who shall have entered into any other Contract on behalf of the said Copartnership, shall be indemnified and saved harmless out of the Funds or Property of the Company from all Liability, and against all Loss, Costs, Charges, and Expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such Bond, Covenant, Contract, or Engagement.

Trustees of the Company to be indemnified.

XV. That the Capital of the Company for the Purposes of this Act shall be Six thousand Pounds.

Capital.

XVI. That the Number of Shares into which the said Capital shall be divided shall be Three hundred, and the Amount of each Share shall be Twenty Pounds.

Shares.

XVII. That One hundred and forty-seven Shares in the said Capital shall be allotted and distributed to and among the respective Members of the said Copartnership in proportion to their several Shares or Interests in the said Copartnership immediately before the passing of this Act, the Shares so allotted to be deemed and taken to have been subscribed for, and no further Calls to be made thereon; and One hundred and forty-seven Shares in the said Capital shall be offered to the Members of the said Copartnership, in proportion to their said Shares or Interests, and such Offer shall

Shares to be appropriated to present Copartnership.

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be made by Letter under the Hand of the Secretary, given to or sent by Post addressed to each Shareholder, according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode; and as to the remaining Six Shares, and as to any other Shares which any Shareholder shall fail for One Month after such Offer of such Shares to accept and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

Calls.

XVIII. That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share, and One Month at least shall intervene between the making of any Two successive Calls.

Profits of the Company.

XIX. That the Profits of the Undertaking to be divided among the Proprietors of Shares in the Company in any Year shall not exceed the Rate of Eight Pounds in the Hundred by the Year on the paid-up Capital in the Undertaking, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate.

Power to borrow Money on Mortgage or Bond.

XX. That it shall be lawful for the Company to borrow on Mortgage or Bond for the Purposes of this Act any Sums of Money not exceeding in the whole the Sum of Fifteen hundred Pounds; but no Part of such Sum shall be raised until the whole of such Capital shall have been subscribed for or taken, and One Half thereof actually paid up.

Power to borrow further Money on Mortgage in certain Cases.

XXI. That the Company may from Time to Time borrow any further Sums of Money on Mortgage or Bond for the Purpose of paying off any Part of the Monies which they are by this Act authorized to borrow, but for no other Purpose; and the Sums so borrowed shall be applied to that Purpose only.

Number and Qualification of Directors.

XXII. That, subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Five Shares at least in the Undertaking.

Power to vary the Number of Directors.

XXIII. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors, but the whole Number of Directors after any such Reduction as aforesaid shall not be less than Three.

XXIV. That

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XXIV. That *George Frederick Harris, James Stewart, Thomas Hewlett, Henry Finch Hill the elder, Richard Brown Chapman, and James Woodbridge*, shall be the First Directors of the Company. First Directors.

XXV. That inasmuch as the Free Grammar School of *John Lyon*, within the Town of *Harrow-on-the-Hill*, is much interested in the carrying on of the said Undertaking, and it is expedient that the Masters of the said School should be empowered to participate in the Management of the Undertaking, notwithstanding that they may be Spiritual Persons; therefore so much of any Act of Parliament as prohibits any Spiritual Person holding any Cathedral Preferment, Benefice, Curacy, or Lectureship, or who shall be licensed or allowed to perform the Duties of any Ecclesiastical Office, from acting as a Director or Managing Partner of any Association or Copartnership, or from carrying on any Trade or Dealing in Person, shall not (so far as regards any Directors or Managing Partners of the Company who may be elected or appointed under the Provisions or for the Purposes of this Act) extend or apply to or in any Manner affect any Masters or Assistant Masters of the said School, or any Act done by them as such Directors or Managers of the Company: Provided always, that if any of the aforesaid Spiritual Persons, being Directors or Managing Partners of the Company, shall cease to be a Master or an Assistant Master in the said School, he shall thereupon become disqualified and incompetent to act as a Director or Managing Partner, and shall cease to be a Director of the Company. Provision as to Spiritual Persons being Directors.

XXVI. That so long as the Number of Directors shall be greater than Five a Quorum of a Meeting of Directors shall be Three, but from and after any Reduction of the Number of Directors to less than Five the Quorum of a Meeting of Directors shall be Two. Quorum of Directors.

XXVII. That with respect to the General Meetings of the Company, the First General Meeting of the Shareholders of the Company shall be held within Three Months after the passing of this Act, and a General Meeting shall be held in the Month of *January* in each Year, or at such other stated Period as shall be appointed for that Purpose by an Order of any General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held within the Town of *Harrow-on-the-Hill*, and the Quorum for every Meeting of the Company shall be such Number of Shareholders as shall hold in the aggregate not less than One thousand Pounds in the Capital of the Company. First and other Meetings.

XXVIII. That each Shareholder shall possess One Vote in respect of each Share held by him up to Five Shares, and One Vote in respect of Scale of voting.
of

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of every additional Two Shares beyond the first Five Shares held by him.

Appoint-
ment of
Auditor.

XXIX. That the Company shall annually elect an Auditor for the Purpose of auditing the Accounts of the Company, and in case the Office of such Auditor shall, before such Accounts have been audited by him, be vacant by Death or from any other Cause, the Company shall from Time to Time appoint an Auditor to supply such Vacancy; and the Company may from Time to Time allow to such Auditor such Remuneration as they may think fit.

Power to
maintain
Works.

XXX. That it shall be lawful for the Company from Time to Time to repair and keep in good and efficient Order the Reservoirs, Mains, Pipes, and other Waterworks and Works connected therewith, belonging to them, and to use and employ the same for the Purposes of the said Supply.

Power to
purchase
Land, &c.

XXXI. That for the Purpose of furnishing a Supply of Water within the Limits of this Act, it shall be lawful for the Company to contract and agree with any Party or Parties willing to sell and convey or lease the same for the Purchase or taking of any Land not exceeding in Quantity Five Acres, and any Easements, Power, or Authority in or over the same which shall be deemed proper or expedient for the Purposes of the said Undertaking, and to make and maintain thereon such Works as shall be necessary for furnishing such Supply of Water; and it shall be lawful for all Persons who under the Provisions in the said incorporated Acts and this Act contained would be enabled to sell or convey Lands for the Undertaking, to sell and convey or lease such Land so required, or any Easement, Power, or Authority in or over such Land.

Rates at
which Water
is to be sup-
plied for
domestic
Purposes.

XXXII. That the Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street or Road in which any Pipe of the Company shall be laid, or on the Application of any Person who under the Provisions of this Act or any Act incorporated herewith shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for domestic Use, at Rates not exceeding the Rates herein-after specified; (that is to say,)

Where the annual Value of the House or Part of a House supplied shall be Seven Pounds Ten Shillings or under, at a Rate not exceeding Ten Shillings *per Annum*; and

Where such annual Value shall exceed Seven Pounds Ten Shillings, at a Rate not exceeding Ten Pounds *per Centum per Annum* on such annual Value:

Provided,

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Provided always, that such Charges shall include the requisite Supply (if required) for One Watercloset, where the annual Value of the House or Part of a House supplied shall not exceed Ten Pounds.

XXXIII. That in addition to the Charges before mentioned the Company shall be entitled to take Rates not exceeding the several Rates herein-after specified for Water supplied to any House in which there shall be Baths or Waterclosets; (that is to say,) Limiting
Amount of
Charges for
Water-
closets and
Baths.

Where the annual Value of such House shall exceed Ten Pounds and shall not exceed Twenty Pounds, for each Watercloset or Bath therein Six Shillings *per Annum*, and for each additional Watercloset or Bath Three Shillings *per Annum* :

Where the annual Value of such House shall exceed Twenty Pounds and shall not exceed Fifty Pounds, for each Watercloset or Bath therein Eight Shillings *per Annum*, and for each additional Watercloset or Bath Three Shillings *per Annum* :

Where the annual Value of such House shall exceed Fifty Pounds and shall not exceed One hundred Pounds, for each Watercloset or Bath therein Twelve Shillings *per Annum*, and for each additional Watercloset or Bath Three Shillings *per Annum* :

Where the annual Value of such House shall exceed One hundred Pounds, for each Watercloset or Bath therein Fifteen Shillings *per Annum*, and for each additional Watercloset or Bath Three Shillings *per Annum*.

XXXIV. That the Poor Rate Assessment for the said Parish of *Harrow* shall be deemed and taken to be the Standard of Value and Basis of the Rates upon which the Water Rates hereby authorized to be taken are to be assessed. Poor Law
Assessment
to be the
Basis of
Rates.

XXXV. That, notwithstanding anything contained in this Act, or in any of the Acts incorporated herewith, the Company shall not be compelled to supply with Water any Watercloset or Private Bath, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Company and the Return of foul Air and other noisome and impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Company, nor any Bath capable of containing more than Fifty Gallons of Water. Company in
certain Cases
not com-
pelled to
supply Wa-
terclosets.

XXXVI. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle or for Horses or washing Carriages, where such Horses or Carriages are kept for Hire, or by Common Carriers, or for any Boarding House or Boarding School, Trade, Manufacture, or Business whatsoever, or for watering Gardens or for Fountains, or for any ornamental Purposes whatsoever. What shall
not be
deemed
domestic
Purposes.

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XXXVII. That

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Water need not be at high Pressure.

XXXVII. That, notwithstanding anything contained in "The Waterworks Clauses Act, 1847," the Water to be supplied need not be constantly laid on under Pressure.

Water for other than domestic Purposes to be supplied by Agreement.

XXXVIII. That it shall be lawful for the Company to supply any Person with Water for Waterclosets distinct from the Supply of the House, or for other than domestic Purposes, for such Remuneration, and upon such Terms and Conditions, as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water.

Costs of Proceedings may be included in Warrant of Distress.

XXXIX. That any Justice who shall issue any Warrant of Distress for the Recovery of any Money payable under this Act, or any Act incorporated herewith, may order that the Costs of the Proceedings for the Recovery of such Money shall be paid by the Person liable to pay such Sum of Money; and such Costs shall be ascertained by such Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Sums not exceeding 50*l.* may be recovered in County Courts.

XL. That nothing in this Act or any Act incorporated herewith contained shall prevent the Company from recovering any Sum of Money, not exceeding Fifty Pounds, which shall be due to them for Water Rates or Rents, Damages, Costs, or Expenses, by Action or Proceeding in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

Power to raise additional Capital by creating new Shares.

XLI. That it shall be lawful for the said Company, with the Consent of the Shareholders or a Majority of them present at any General Meeting specially called for the Purpose, to increase the Capital of the Company by any Sum not exceeding Two thousand five hundred Pounds at any One Time, for the Purposes of the Undertaking, or for the Purpose of paying off or providing for any Money which shall have been borrowed under the Power for that Purpose in this Act contained, and to raise such increased Capital by creating an additional Number of Shares, and to attach to such Capital such guaranteed Rate of Interest or Dividend not exceeding Five Pounds *per Centum per Annum*, and payable in Priority to the Interest or Dividend on the other Capital of the Company, as such General Meeting shall direct; and such additional Shares shall be of such Amount, and shall be distributed amongst the Proprietors of the other Capital of the Company, or be sold and disposed of, on such Terms and in such Manner as shall be agreed on at such General Meeting, and shall, when so distributed or sold and disposed of, be subject to all the Provisions of this Act and the Acts incorporated herewith, so far as the same are applicable thereto,

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thereto, and also be subject to such Conditions and entitled to such Advantages as shall be agreed on at such General Meeting.

XLII. That nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of "The Public Health Act, 1848," or any General Act relating thereto or to the Subject Matter thereof which may pass during the present or any future Session of Parliament. Act not exempt from Provisions of 11 & 12 Vict. c. 63., &c.

XLIII. That all Costs, Charges, and Expenses incident to the applying for and passing this Act shall be paid by the Company Expenses of Act.

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