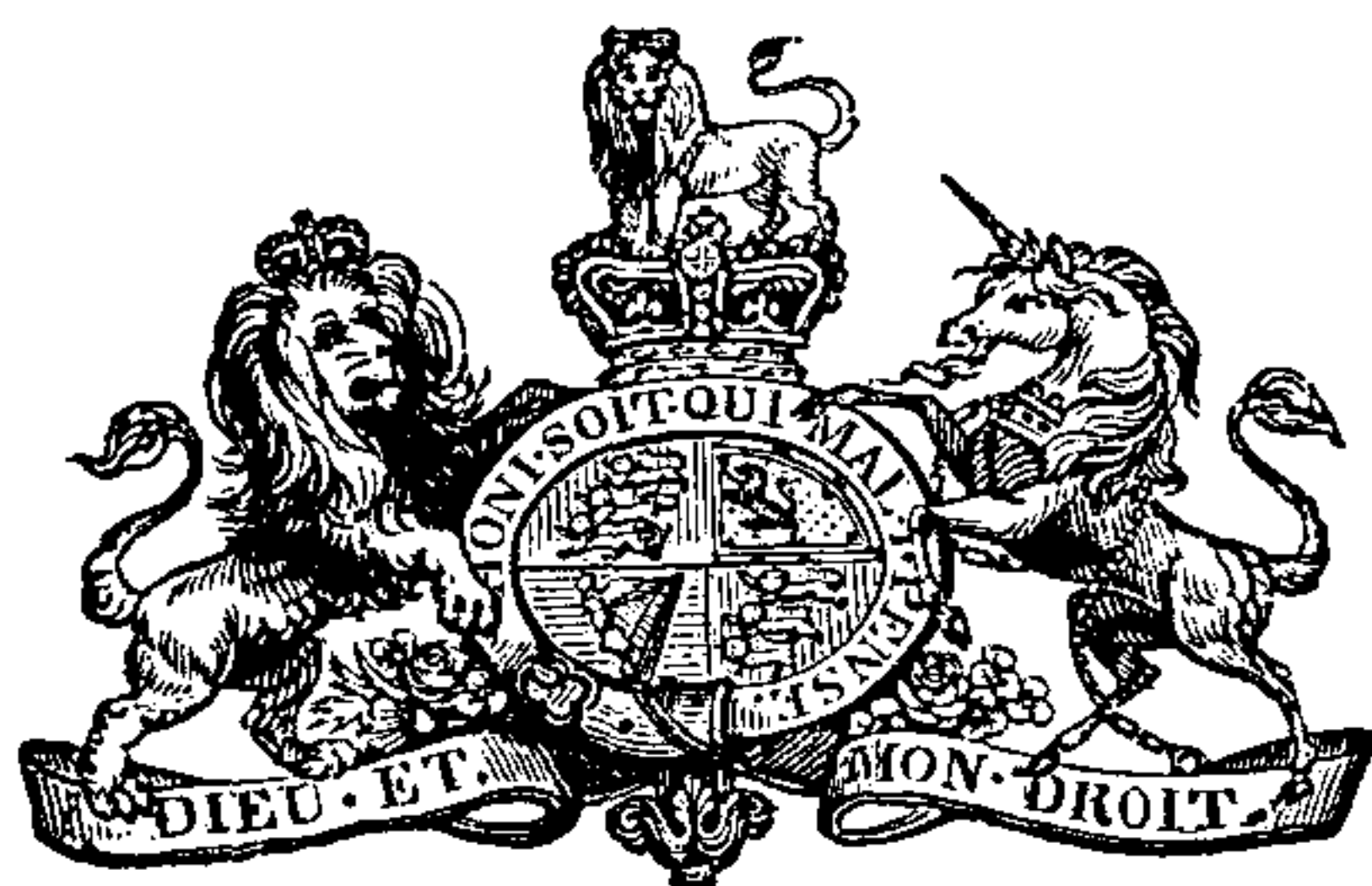


[34 & 35 VICT.] *The Wharves and Warehouses Steam [Ch. cxxi.]  
Power and Hydraulic Pressure Company's Act, 1871.*



CHAP. cxxi.

An Act for the Incorporation of the Wharves and Ware- A.D. 1871.  
houses Steam Power and Hydraulic Pressure Company ;  
and for other purposes. [13th July 1871.]

WHEREAS the establishment of a system for applying motive power by hydraulic pressure to waterside and land cranes used for the purpose of raising and loading goods, and for working dock gates and other machinery, would be of great local and public advantage :

And whereas the persons herein-after named (with others) willing to undertake the establishment of such a system, and it is expedient that they be incorporated into a company for that purpose :

And whereas it is expedient that the Company so to be incorporated (herein-after called "the Company") should be authorised to take and use for the purposes of this Act water from the river Thames, returning the same after having been so used to the river :

And whereas the objects of this Act cannot be obtained 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 :

1. This Act may be cited for all purposes as "The Wharves and Warehouses Steam Power and Hydraulic Pressure Company's Act, 1871." Short title.

2. "The Companies Clauses Consolidation Act, 1845," Part I. General Acts herein named incorporated.  
(relating to cancellation and surrender of shares) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1870,"  
"The Lands Clauses Consolidation Acts, 1845, (except the provisions thereof with respect to the purchase of lands otherwise than by agreement, and with respect to the entry upon lands by the  
[Local.-121.] A 1

[Ch. cxxi.] *The Wharves and Warehouses Steam [34 & 35 VICT.]  
Power and Hydraulic Pressure Company's Act, 1871.*

A.D. 1871. — promoters of the undertaking,) 1860, and 1869," and the provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying pipes, are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided that the word "street" in those provisions does not for the purposes of this Act include any railway, or any part of a railway, or any approach connected with a railway, except only where the company owning the railway, or if it be leased, the companies being the owners and lessees respectively thereof, consent to its being so included.

Company  
incorporated.

3. George Heiron, John Derrick Ayers, Jorgen Daniel Larsen, John Humphreys, William Morris, 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 united into a company for the purposes of this Act, and for those purposes shall be incorporated by the name of the "Wharves and Warehouses Steam Power and Hydraulic Pressure Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Capital.

4. The capital of the Company shall be seventy-five thousand pounds, in seven thousand five hundred shares of ten pounds each.

Shares not  
to be issued  
until one  
fifth part  
thereof shall  
have been  
paid up.

5. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

Power to  
divide  
shares.

7. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried



[34 & 35 VICT.] *The Wharves and Warehouses Steam [Ch. cxxi.]  
Power and Hydraulic Pressure Company's Act, 1871.*

to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share. A.D. 1871. —

8. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined at a general meeting of the Company especially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided. Dividends on half shares.

9. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company. Dividend on preferred shares to be paid out of the profits of the year only.

10. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it. Half shares to be registered and certificates issued.

11. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share. Terms of issue to be stated in certificates.

12. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall Forfeiture of preferred shares.

[Ch. cxxi.] *The Wharves and Warehouses Steam [34 & 35 VICT.]  
Power and Hydraulic Pressure Company's Act, 1871.*

A.D. 1871. — for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

**13.** No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

**14.** The several half shares under this Act shall be half shares in the capital of the Company, and every two preferred or deferred half shares held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions hereinbefore contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Receipts on behalf of incapacitated persons.

**15.** If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of his guardian or committee, as the case may be, shall be a sufficient discharge to the Company for the same.

Application of moneys.

**16.** All moneys raised under this Act shall be applied for the purposes of this Act only.

First ordinary meeting.

**17.** The first ordinary meeting of the Company after the passing of this Act shall be held within six months next after the passing of this Act.

Quorum of general meetings.

**18.** The quorum of a general meeting of the Company, whether ordinary or extraordinary, shall be ten shareholders, holding in the aggregate not less than two thousand pounds of the capital of the Company.

Number of directors.

**19.** The number of directors shall be six, but the Company may from time to time reduce the number of directors, so that the number be not less than four.

Qualification of directors.

**20.** The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

**21.** The quorum of a meeting of directors shall be three.

First directors.

**22.** George Heiron, John Derrick Ayers, Jorgen Daniel Larsen, John Humphreys, William Morris, and one other duly qualified person to be appointed by them or the majority of them, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at



[34 & 35 VICT.] *The Wharves and Warehouses Steam [Ch. cxxi.]  
Power and Hydraulic Pressure Company's Act, 1871.*

that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

A.D. 1871.

Election of directors.

**23.** The Company may from time to time acquire, but only by agreement, and may hold and use, any lands (not exceeding half an acre in any one parish, and not exceeding five acres in the whole) which they may think requisite for any of the purposes of their undertaking, and may provide, erect, and use thereon any buildings, machinery, apparatus, and conveniences which they may think requisite for any of the purposes of their undertaking.

Power to acquire lands by agreement.

**24.** The district of the Company for the purposes of this Act shall have for its western extremity, on the Middlesex side of the river Thames, a point one hundred yards west of Blackfriars Bridge; and for its eastern extremity, on the same side of the river, the west side of the Tower of London; and for its western extremity, on the Surrey side of the river, a point one hundred yards west of Blackfriars Bridge; and for its eastern extremity, on the Surrey side of the river, the western side of the Surrey Docks, and shall extend northward and southward to and include a distance of six hundred yards, measured from the centre of the river Thames on both sides of the river between the eastern and western extremities of the district as above mentioned, and shall include Blackfriars Bridge and the Tower subway.

Defining district of Company.

**25.** The Company from time to time may take at any point or points within their district under this Act, and may use for the purposes of their undertaking, and distribute within their said district, as they from time to time find requisite, waters of the river Thames not exceeding in quantity in any one day (reckoned from midnight to midnight) an aggregate of one million gallons.

Power to use water taken from the river Thames not exceeding one million gallons per diem.

**26.** The Company shall, in consideration of the use by them of the water of the river Thames by this Act authorised, make the

Payment to be made by Company to

[Ch. cxxi.] *The Wharves and Warehouses Steam [34 & 35 VICT.]  
Power and Hydraulic Pressure Company's Act, 1871.*

A.D. 1871. following payments half-yearly, on the first January and first July  
the Conser- in every year, to the conservators :

vators of the  
Thames.

1. From the day when the Company commences to use, for the purposes of their undertaking, any water of the river Thames, and until the daily quantity so used amounts to two hundred and fifty thousand gallons, the sum of twelve pounds ten shillings :
2. From the time when the daily quantity used by the Company exceeds two hundred and fifty thousand but does not exceed five hundred thousand gallons, the sum of twenty-five pounds :
3. From the time when the daily quantity used by the Company exceeds five hundred thousand but does not exceed seven hundred and fifty thousand gallons, the sum of thirty-seven pounds ten shillings :
4. From the time when the daily quantity used by the Company exceeds seven hundred and fifty thousand gallons, and until the same reaches one million gallons, the sum of fifty pounds.

Contribu-  
tions of  
Company to  
be first  
charge on  
their receipts  
after pay-  
ment of  
debts, &c.

**27.** The payments to be made under this Act by the Company shall be the first charge on the net receipts of the Company, and in priority to any claim of any shareholders, stockholders, proprietors, or members of or in the Company to any dividend or share of profits or receipts ; and from and after the date fixed for the commencement of the payment it shall not be lawful for the Company at any time to pay or divide any dividend or share of profits or receipts to or among any shareholders, stockholders, proprietors, or members of or in the Company, unless and until the Company have paid to the conservators the half-yearly payment accrued due from the Company under this Act at the then last preceding first day of July or first day of January, as the case may be.

Water taken  
may be  
ascertained  
by Conserva-  
tors of river.

**28.** For the purpose of ascertaining the quantity of water taken and used by the Company for the purposes of this Act it shall be lawful for the Conservators of the river Thames, by their engineer, or any other person or persons duly authorised by them for the purpose, to enter upon the premises of the Company at all reasonable hours, and to have free access to such works and machinery as may be necessary to enable him or them to ascertain the quantity of water taken or used by the Company.

Mode of  
ascertaining  
quantity of  
water taken.

**29.** If at any time, in the opinion of the Conservators of the river Thames, the Company are taking or using a greater quantity of water than they are entitled to take or use under the provisions



[34 & 35 VICT.] *The Wharves and Warehouses Steam [Ch. cxxi.]  
Power and Hydraulic Pressure Company's Act, 1871.*

of this Act, the Company, on being required by the conservators so to do, shall, at their own expense, cause proper mechanical apparatus to be constructed at such point or points upon the property of the Company as the conservators may direct, for ascertaining and testing the quantity of water taken and used by the Company, such machinery to be constructed and worked to the reasonable satisfaction of the engineer for the time being of the conservators, who shall have, together with any person or persons duly authorised by them for the purpose, free access to and full liberty to inspect such machinery, and take notes of the amount of water so taken and used; and it shall be lawful for the said conservators, if they think fit, from time to time to affix and use upon the property of the Company such machinery as in their opinion may be necessary for the purpose of testing and ascertaining the quantity of water so taken and used by the Company, and the Company shall afford all proper and necessary facilities to the conservators for the affixing and using of such machinery as aforesaid. A.D. 1871.

**30.** The Company shall and they are hereby required to construct all proper works, apparatus, and conveniences necessary to secure the return to the river Thames of all waters taken therefrom, and used by them, immediately after the use of the same for the purposes of this Act, and at such places and under such restrictions and regulations as the Conservators of the River Thames may from time to time appoint; and if the Company violate, refuse, or neglect to comply with any such restrictions or regulations they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty of ten pounds per day for every day during which the violation, refusal, or neglect shall continue, such penalties to be recoverable by the conservators in any court of competent jurisdiction. Water to be  
returned to  
river  
Thames.

**31.** The Company shall not at any time supply water to be used for any purpose other than as a motive force; and if and whenever the Company supply water at any place contrary to this enactment they shall for every such offence forfeit to every company now incorporated by Act of Parliament for the supply of water within the district comprising that place the sum of twenty pounds, and a further sum of ten pounds for every day the offence continues after the penalty of twenty pounds is incurred. Water to be  
used for  
purposes  
of motive  
power only.

**32.** Nothing in this Act contained shall authorise the Company to enter upon, embank, encroach on, or interfere with any part of the soil or bed of the river Thames or shore thereof, except with For protec-  
tion of bed  
and shore  
of river  
Thames.

[Ch. cxxi.] *The Wharves and Warehouses Steam [34 & 35 VICT.]  
Power and Hydraulic Pressure Company's Act, 1871.*

A.D. 1871. — the consent of and according to plans approved by the Conservators of the River Thames.

As to pipes  
laid within  
the city of  
London.

**33.** All pipes laid by the Company within the city of London, or along the roads or streets under the jurisdiction of any vestry or district board of works, under the authority of this Act, shall be laid under the superintendence (at the cost of the Company) and to the reasonable satisfaction of the engineer or surveyor for the time being of the said corporation or commissioners, or vestry, or district board, as the case may be, and all paving works rendered necessary by the works of the Company shall be executed at the cost of the Company by the contractors for the time being of the commissioners, and all such costs (including all such reasonable expenses as the commissioners, or vestry, or district board (as the case may be), may incur for engineering and superintendence) shall be paid by the Company, and be recoverable in any court of competent jurisdiction.

As to laying  
of pipes  
along Black-  
friars Bridge  
and in the  
city of  
London.

**34.** Nothing herein contained shall authorise or be construed to authorise the laying by the Company of any pipe or other tube work, or apparatus, along or across Blackfriars Bridge, except with the consent and in accordance with such plans and specifications as may be approved in writing by the Corporation of the city of London, under the hand of the town clerk.

Company to  
remove  
pipes laid in  
city of  
London in  
certain  
events.

**35.** If at any time hereafter the Corporation of the city of London, or the Commissioners of Sewers of the city of London, or any other corporation, body, or persons, as the case may be, shall construct any subway, or tube, or covered way for the purpose of receiving gas, water, or other mains or pipes, or works in any street in which the pipes of the Company are laid, and shall, by notice in writing served upon the Company, require that the pipes of the Company shall be removed from their then position and laid in any such subway, tube, or covered way, the Company shall consent thereto, and shall pay such proportion of the expense of constructing such subway, tube, or covered way as may be agreed upon, or in case of difference be settled in manner herein-after provided, and shall forthwith, at their own expense, proceed to remove, lay, and thereafter maintain their pipes in such subway, tube, or covered way in such position as the engineer for the time being to the said Corporation or the said Commissioners may direct, and in accordance in all respects with his directions: Provided always, that any difference between the parties as to the position in which any such pipes shall be laid and maintained, or the proportion of expense of construction



[34 & 35 VICT.] *The Wharves and Warehouses Steam [Ch. cxxi.]  
Power and Hydraulic Pressure Company's Act, 1871.*

to be paid by the Company, shall be settled by a referee to be appointed by the Board of Trade on the application of either party. A.D. 1871.

**36.** Where any of the pipes or works of the Company to be laid or done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as prejudicially to interfere with, any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Metropolitan Board of Works, or of any vestry or district board constituted under the Metropolis Local Management Act, 1855, or with any sewers or works to be made or executed by the said boards or vestry, or either of them, or shall or may in any way prejudicially affect the sewerage or drainage of the districts under their or either of their control, the Company shall not lay the pipes or commence the work until they shall have given to the said Metropolitan Board, or to the district board or vestry, as the case may be, fourteen days previous notice in writing of their intention so to do by leaving such notice at the principal office of such board or vestry, as the case may be, for the time being, with a plan and section showing the course and inclination thereof, and other necessary particulars relating thereto, and until such board or vestry respectively shall have signified their approval of the same, unless such board or vestry, as the case may be, do not signify their approval, disapproval, or other directions within fourteen days after service of the said plan, sections, and particulars as aforesaid; and the Company shall comply with and conform to all reasonable directions and regulations of the respective board or vestry in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such board or vestry may deem necessary for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the said intended works, or any part thereof, and shall save harmless the said Metropolitan Board, district board, and vestry respectively against all and every the expense to be occasioned thereby, and all such pipes shall be laid and works done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board, district board, or vestry, as the case may be, at the costs, charges, and expenses in all respects of the Company; and when any new, altered, or substituted work as aforesaid, or any work or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said boards and vestry respectively as any sewers or works now are or hereafter may be; and nothing in this Act shall

For protection of sewers of Metropolitan and other boards.



[Ch. cxxi.] *The Wharves and Warehouses Steam [34 & 35 Vict.]  
Power and Hydraulic Pressure Company's Act, 1871.*

A.D. 1871. — extend to prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested or to be vested in the said boards and vestries, or any of them, or their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

For protection of gas and water companies.

**37.** The Company shall not begin any work interfering with or in any way affecting any of the mains or pipes of any water or gas company, unless at least twenty-one days previous notice in writing of the intention so to do, and describing the manner in which it is proposed to interfere with such mains or pipes, be given to the principal engineer for the time being of the water or gas company so affected, or left for him at the principal office of such gas or water company; and the Company shall not in any way alter, displace, or otherwise interfere with any of the mains or pipes of any water or gas company, but the water or gas company's engineer shall have the exclusive direction and management of and may execute all such works as he thinks necessary for the purpose of removing, altering, and restoring the mains or pipes, and all expenses properly incurred by such water or gas company in that behalf shall be repaid to them by the Company: Provided that if the water or gas company for ten days next after the day specified in the notice served by the Company for the commencement of the works interfering with or affecting any of the mains or pipes, or for ten days after such later day as the Company by notice in writing to the water or gas company specify for commencing the works, fail to commence or at any time thereafter fail to proceed with reasonable despatch in the execution of the work, the Company at their own expense may remove, alter, or otherwise interfere with the mains or pipes in such manner and to such extent as they deem necessary, and execute all such other works as they deem requisite for preventing any such interruption to the supply of water or gas by the water or gas company; and provided also, that the water or gas company shall not be liable for any damage or injury occasioned to the works of the Company, or to any streets or roads, or otherwise howsoever, by reason of any of the works executed under this Act, or in any way consequent thereupon, unless the damage or injury arise from the neglect or default of the water or gas company, their engineer, workmen, or servants.

Power to supply and let on hire cranes, machinery, &c.

**38.** The Company may within their district under this Act supply motive power by hydraulic pressure to any person or persons or company, and erect and let for hire and may work any cranes, machines, engines, or other apparatus for the purpose of supplying such motive power, upon such terms (pecuniary or otherwise) and subject to such conditions as may be agreed upon between the



[34 & 35 VICT.] *The Wharves and Warehouses Steam [Ch. cxxi.]  
Power and Hydraulic Pressure Company's Act, 1871.*

Company and the person or persons or company to whom the same is so let ; and any such cranes, machines, engines, or other apparatus of the Company shall not be subject to distress for rent of the premises where the same are used, or to be attached or be taken in execution under any process in any court of law or equity, or any other legal proceedings against any person or persons or company other than the Company.

A.D. 1871.  
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**39.** All rents and sums payable to the Company in pursuance of any contract or arrangement made under this Act shall be recoverable in any court of competent jurisdiction, and if so agreed between the contracting parties, may be recovered by distress as for rent or otherwise, as is so agreed.

Recovery  
of rents by  
Company.

**40.** Except as by this Act is expressly provided, nothing in this Act shall extend or be construed to extend to prejudice or derogate from the estates, rights, interests, liberties, privileges, or franchises of the Conservators of the River Thames, or prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the conservators might lawfully claim, use, or exercise.

Saving  
rights of the  
Conserva-  
tors of the  
River  
Thames.

**41.** Nothing herein contained shall be deemed or construed to exempt the Company from the provisions of any general Act relating to the Company, now in force or which may hereafter pass during this or any future session of Parliament.

Company  
not exempt  
from pro-  
visions of  
general  
Acts.

**42.** All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of  
Act.