CHAPTER xxxiii.

An Act to authorise the Hartlepool Gas and Water Company to construct additional Waterworks. [30th June 1874.]

A.D. 1874.

WHEREAS by the Hartlepool Gas and Water Act, 1867, (in this Act referred to as the Act of 1867,) repealing the Hartlepool Gas Act, 1855, (in this Act referred to as the Act of 1855,) the Hartlepool Gas and Water Company (in this Act referred to as the Company) were continued incorporated for the purpose of supplying gas and water within the district included within the limits of the Act of 1867, with a capital of two hundred thousand pounds: 30 & 31 Vict. c. xxxii.

And whereas since the passing of the Act of 1867 the demand for water within the said district has greatly increased and is still increasing:

And whereas, for the purpose of affording an adequate supply of water within the said district, the Company desire to be empowered, and it is expedient that they be empowered, to construct the additional waterworks by this Act authorised:

And whereas plans and sections showing the lines and levels of the waterworks by this Act authorised, and also books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, have been deposited with the clerk of the peace for the county of Durham, and are in this Act respectively referred to as the deposited plans, sections, and books of reference:

And whereas the objects aforesaid 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,)

1. This Act may be cited for all purposes as The Hartlepool Gas and Water Act, 1867, Amendment Act, 1874. Short title.

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Provisions of certain general Acts incorporated.

2. The Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Waterworks Clauses Acts, 1847 and 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, and by the Act of 1867, shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Power to Company to acquire easements, &c. by agreement.

4. Persons empowered by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, to sell and convey or release lands, may, if they think fit, subject to the provisions of the said Acts, grant to the Company any easement, right, or privilege 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, or to such easements, rights, or privileges as aforesaid.

Construction of Waterworks.

Power to construct waterworks.

5. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the works herein-after described, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. The works authorised by this Act are—

1. The enlargement and extension of the existing reservoir of the Company known as the "Hurworth Reservoir" by means of an addition to the existing embankment thereof, and by other incidental works upon or near the site of the said existing reservoir, so as to raise the height of the present top-water level of such reservoir:
2. A reservoir to be made by the construction of an embankment across the stream known as the Hart Burn, at a point in that stream about four hundred and fifty yards, measured along the bank thereof in an easterly direction, from the mouth of the culvert that passes through or under the embankment of the existing lower reservoir of the Company at Hart:
3. The making and maintaining all such retaining walls, embankments, dams, sluices, weirs, bye-channels, conduits, culverts, and other incidental works, as may be deemed necessary in connexion with such reservoir and works, or expedient for protecting adjoining lands and property.

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Limits of lateral and vertical deviation.

6. In constructing the waterworks, except the Hurworth Reservoir authorised by this Act, the Company may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or five feet downwards; and in constructing the said reservoir the Company may raise the existing embankment two feet higher than is shown on the deposited sections, but in such case the embankment shall be widened and strengthened transversely so that the slopes shall be not less than one in three on the inside and one in two and a half on the outside, and the breadth of the embankment at the top shall not be less than fifteen feet.

For protection of North-eastern Railway Company.

7. The powers by this Act conferred upon the Company with respect to the Hurworth Reservoir shall be exercised only subject to and in accordance with the following provisions for the protection of the North-eastern Railway Company:

1. The Company shall not enter upon, take, or use any lands belonging to the North-eastern Railway Company, or which that Company are empowered to acquire, and which may be required for the construction of or for purposes connected with the Castle Eden and Stockton Branch of the North-eastern Railway now in course of construction; but if the North-eastern Railway Company fail within the period of three years from the passing of this Act to acquire and use for the purposes of their said railway any of those lands, then the foregoing restriction shall be null and of no effect:
2. The Company shall at their own expense in all things provide, construct, and maintain all such works and defences as may be needful and sufficient for the prevention of any injury or damage being occasioned by or in consequence of the exercise of the powers conferred or the execution of the works authorised by this Act to the said Castle Eden and Stockton Branch Railway, or any of the works thereon or connected therewith, but this provision shall not be held or construed to impose upon the Company any greater or other liability in respect of the works authorised by their Act of 1867 than they would have been subject to if this provision had not been made:
3. If any difference arises between the two Companies as to the nature of the works and defences to be provided, or in case of the necessary works being undertaken and executed by the Company or by the North-eastern Railway Company alone, at the joint expense of the Company and of the said North-eastern Railway Company, as to the cost of such works, or otherwise as to the true intent and meaning of the foregoing

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provisions of this section, or as to the mode of giving effect thereto, the same shall from time to time be settled by arbitration in the manner prescribed by the Railway Companies Arbitration Act, 1859, and for the purposes of this section and of that arbitration the Company shall be deemed to be a railway company:

4. Subject to the foregoing provisions of this section, if by reason of any works or acts, or the failure of any works or acts of the Company, the said branch railway, or any of the works connected therewith, shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing to do so, then the North-eastern Railway Company may make good the same, and recover the expense thereof with full costs against the Company in any court of competent jurisdiction; and if any interruption shall be occasioned to the traffic over the said branch railway by reason of any of the works or acts, or the failure of any of the works or acts of the Company, the Company shall pay to the North-eastern Railway Company all costs and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs and expenses and compensation to be recovered with full costs as aforesaid.

Not to affect sections 6 and 7 of 35 & 36 Vict. c. cxli.

8. Nothing in this Act shall be deemed or construed to repeal, alter, or in any way abridge or affect sections 6 and 7 of the North-eastern Railway Company's Act, 1872, which sections, and all the rights and privileges of the Company thereunder, shall continue in full force and effect.

Power to purchase lands by agreement.

9. The Company may for the purpose of their water undertaking, by agreement, but not otherwise, purchase, take, and hold, in addition to the lands already acquired by the Company, any lands and hereditaments not exceeding in the whole twenty acres which the Company may from time to time require for the purposes of such undertaking.

Powers for compulsory purchases limited.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Expenses of Act.

11. All costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act, or otherwise in relation thereto, shall be borne and paid by the Company, and be charged against the water branch of their undertaking.

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