ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. XXV.

An Act for amending an Act passed in the Tenth Year of the Reign of Her present Majesty, for lighting with Gas and supplying with Water the Town of *Hartlepool* and the Neighbourhood thereof in the County of *Durham*.

[26th *June* 1849.]

WHEREAS an Act was passed in the Tenth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for lighting with Gas and supplying with Water* 9 & 10 Vict.
the Town of Hartlepool *and the Neighbourhood thereof in the County* c. 115.
of Durham, whereby the Company incorporated by the said Act were empowered to raise the Sum of Eighteen thousand Pounds by Shares, and Six thousand Pounds by Mortgage: And whereas the Company have accordingly raised the Sum of Nine thousand Pounds by Shares, and the whole of such Amount has been expended upon the Purposes authorized by the said Act, but no Money has been raised by Mortgage: And whereas the Company incorporated by the said recited Act have proceeded to put the said recited Act into execution, but the whole of the Works authorized thereby are not yet completed: And whereas it is expedient that the said Company should be empowered to vary, extend, and enlarge their existing Works, and to construct and acquire other Works, and to raise a further Sum of Money for that Purpose: And whereas the Objects

aforesaid might be more conveniently effected if the said recited Act were repealed, and further Powers and Provisions granted and made instead thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it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, That the said recited Act passed in the Tenth Year of the Reign of Her present Majesty Queen *Victoria* shall be and the same is hereby repealed: Provided always, that all Offences which shall have been committed, and all Penalties and Forfeitures which shall have been incurred, previously to the Commencement of this Act shall and may be punishable and recoverable respectively under the said recited Act as if the same had not been repealed, and that all Acts, Matters, and Things made, done, or executed under or by virtue of and in accordance with the Provisions of the said recited Act prior to the Commencement of this Act, shall be good, valid, and effectual to all Intents and Purposes.

Recited Act repealed.

Incorporation of the Hartlepool Gas and Water Company.

II. And be it enacted, That from and immediately after the passing of this Act the several Persons and Bodies Corporate who at the Time of the passing of this Act are Proprietors of Shares in the joint Stock or Fund of the *Hartlepool* Gas and Water Company, or who may become the Proprietors of any Share or Shares therein under the Provisions of this Act, and the several Persons and Bodies who have already subscribed or who shall hereafter subscribe thereto, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united into a Company for the Purpose of manufacturing Gas, and for providing Gasometers, and all Apparatus, Machinery, and Buildings necessary for that Purpose, and for lighting with Gas the several Streets, Roads, Lanes, public Passages, Churches, Chapels, Places, and Buildings, and also the several Shops, Breweries, Taverns, private Houses, Warehouses, and other Buildings, within the Limits of this Act, and also for selling and disposing of Coke, and of every Product, Refuse, or Residuum arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, in such Manner as the Company may think proper, and also for the Purpose of making, acquiring, and maintaining Waterworks for supplying the Inhabitants and other Persons within the Limits of this Act with Water, with proper Works and Conveniences belonging thereto, according to the Provisions of this Act and the several Acts incorporated herewith, and for other the Purposes herein and in the said incorporated Acts contained; and for the several Purposes aforesaid such Company shall be incorporated by the Name of "The *Hartlepool* Gas and Water Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands, Works, and Premises, and to take Springs and Streams of Water, for the Purposes of the Undertaking, within the Restrictions herein and in the said incorporated Acts contained.

Existing Works vesting

III. And be it enacted, That from and immediately after the passing of this Act all Gasworks, Pipes, Engines, Gauges, Tunnels, Arches,

Arches, and other Works, and all Lands, Tenements, Hereditaments, Buildings, Easements, prescriptive and other Rights, Powers, and Privileges whatsoever, of or to which the Company hereby dissolved, or any Person in trust for them, were or are seised, possessed, or entitled at Law or in Equity immediately before the passing of this Act, and all Rates and Monies due or accruing to, and all Securities, Books, Accounts, Documents, Choses in Action, Effects, and Property belonging to the said Company, hereby dissolved at the Time of the passing of this Act, shall be and the same are hereby well and effectually vested in and shall belong to the *Hartlepool* Gas and Water Company hereby incorporated, for their absolute Use and Benefit, to hold to them and their Successors for the Purposes of this Act, and for such and the same Estates, Terms, and other Interests as under the said recited Act the Company hereby dissolved, or any Persons in trust for them immediately before the passing of this Act, had or would have continued to have had therein if the said recited Act had not been repealed, subject nevertheless to such Charges, Interests, and Liabilities as at the Time of the passing of this Act the same Premises were and are respectively subject to.

ed in the Company.

IV. And be it enacted, That all Conveyances, Assurances, Leases, Demises, Grants, Mortgages, Bonds, Covenants, Agreements, Contracts, Awards, Securities, and other Instruments made, executed, or entered into by or between any Person or Persons and the Company hereby dissolved, or to, with, in favour of, or by or for any such Person or Persons, and the Company hereby dissolved respectively, shall and the same are hereby declared to be, remain, and continue in full Force and Effect, and the Company hereby incorporated and all such Person and Persons shall respectively be bound by and liable to execute and perform the same; and no Action, Suit, Prosecution, Information, or other Proceeding commenced or pending by, with, or against the Company hereby dissolved shall become invalidated, made void, discharged, abated, discontinued, prejudiced, or affected by the Repeal of the said recited Act, but the same and each of them shall continue and remain in full Force and Effect, and the Company hereby incorporated shall be liable to all Debts and Engagements to which the Company hereby dissolved was or is liable at the Time of the Repeal thereof: Provided always, that the Repeal of the said recited Act shall not affect any Rights or Remedies which could at the Time of the passing of this Act be exercised by any Mortgagee or Creditor against the Company hereby dissolved.

Agreements, Deeds, &c. to remain in force, and Company liable to Debts, &c.

V. And be it enacted, That all Rates, Rents, or Charges made or imposed under or by virtue of the said recited Act, and which at the Time of the passing of this Act shall be due and payable, or if this Act had not passed would have accrued due and payable, shall continue in force and be due and payable to the Company hereby incorporated, and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges may be collected or recovered under or in pursuance of this Act.

Rates, &c. imposed under recited Act to continue in force under this Act.

VI. And be it enacted, That all Certificates, Sales, Transfers, and Dispositions before the passing of this Act made or executed of or in respect

Certificates and Transfers to re-

main in force. respect of any Share or Shares in the Joint Stock of the said Company under or in pursuance of the said recited Act shall remain in full force and virtue, and shall be and continue available in all respects whatsoever.

Officers under former Act to account. VII. And be it enacted, That all Officers and Persons who at the Time of the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, Securities, Goods, Chattels, or other Effects under or by virtue of any of the Provisions of the said recited Act, shall account for and deliver up all such Money, Books, Documents, Papers, Writings, Securities, Goods, Chattels, and other Effects to the Company hereby incorporated, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed, and had become possessed of such Money, Books, Documents, Papers, Writings, Securities, Goods, Chattels, or other Effects, under the Provisions of this Act.

Present Officers continued. VIII. And be it enacted, That all Officers and Persons appointed under the recited Act shall continue in their respective Offices and Employments according to their respective Appointments until removed therefrom according to the Provisions of this Act, and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and all such Officers and Persons and all Sureties shall be liable to the same Conditions, Penalties, Obligations, Restrictions, and Regulations, as if such Officers and Persons had been appointed and such Sureties had become bound under this Act.

8 & 9 Vict. cc. 16. 18. and 10 & 11 Vict. cc. 15. 17. incorporated with this Act. IX. And be it enacted, That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Gasworks Clauses Act, 1847," and "The Waterworks Clauses Act, 1847," except where the same shall be inconsistent with or repugnant to any of the Provisions of this Act, shall be incorporated with this Act, and shall be held to apply to the Company hereby incorporated, and to the Gasworks, Waterworks, Lands, Streams, Credits, and Effects authorized to be made or acquired by and vested in the Company hereby incorporated.

Nothing to authorize Company to take Land without Consent. X. Provided always, and be it enacted, That nothing in the said "Lands Clauses Consolidation Act" contained shall authorize the Company to take or use any Land for the Purpose of supplying the Inhabitants within the Limits of this Act with Gas, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Short Title. XI. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use "The *Hartlepool* Gas and Waterworks Act, 1849."

Limits of Act. XII. And be it enacted, That the Limits of this Act shall be deemed and taken to extend to and include the Town of *Hartlepool* and the Neighbourhood thereof, which shall be taken to mean and to extend

extend to and include the whole of the Parishes of *Hart* and *Stranton* in the said County of *Durham*.

Capital.

XIII. And be it enacted, That the Capital of the Company shall be Thirty-four thousand Pounds, including the Capital of the Company under the said recited Act.

Number and Amount of Shares.

XIV. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Six thousand eight hundred, and the Amount of each Share shall be Five Pounds.

Calls.

XV. And be it enacted, That One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders upon any Share, and One Month at least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage.

XVI. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum or Sums not exceeding in the whole at any one Time the Amount of One Third of the Capital in Shares or Stock of the Company for the Time being, but no Part of such Sum or Sums shall be borrowed until the whole of the said Capital or Sum of Thirty-four thousand Pounds shall have been subscribed for, or Shares taken for the same, and One Half thereof shall have been actually paid up.

Payment of Arrears of Interest, &c. may be enforced by Appointment of a Receiver.

XVII. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any Mortgage or Bond to be made by the Company pursuant to the "Companies Clauses Consolidation Act, 1845," at the respective Times at which such Interest, or such Principal and Interest, and Costs, become due, be it enacted, That if such Interest, or any Part thereof, shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Obligee may sue for the Interest so in arrear by Action of Debt in any of the Superior Courts, or the Mortgagee may require the Appointment of a Receiver by an Application to be made as provided in the last-mentioned Act.

Recovery of Principal, Interest, &c. of Money lent on Mortgage.

XVIII. And with respect to such Principal Money, Interest, and Costs due to any Mortgagee, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee may sue for the same in any of the Superior Courts of Law or Equity, or if his Debt amount to the Sum of One thousand Pounds he may alone, or if his Debt does not amount to the Sum of One thousand Pounds he may in conjunction with other Mortgagees whose Debts being so in arrear after Demand as aforesaid shall, together with his, amount to the Sum of One thousand Pounds, require the Appointment of a Receiver by an Application to be made as provided in the said "Companies Clauses Consolidation Act, 1845."

Ordinary Meetings

XIX. And be it enacted, That the first General Meeting of the Shareholders of the Company shall be held in the Month of *July* next after

to be held yearly.

after the passing of this Act, and a General Meeting shall be held in the Month of *July* in each succeeding Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held within the Town of *Hartlepool* aforesaid.

Quorum of General Meetings.

XX. And be it enacted, That the Quorum of every Meeting of the Company shall be Eight Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Number of Shareholders to convene Extraordinary Meeting.

XXI. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Ten, and such Shareholders shall hold in the aggregate not less than One thousand Pounds in the Capital of the Company.

Scale of voting.

XXII. And be it enacted, That the Scale according to which Shareholders may vote in respect of their Shares shall be as follows; (that is to say,)

For Two Shares or more, and less than Five Shares, One Vote:
For Five Shares or more, and less than Ten Shares, Two Votes:
For Ten Shares or more, and less than Twenty Shares, Three Votes:
For Twenty Shares or more, an additional Vote for every Ten Shares beyond the first Ten Shares.

Number and Qualification of Directors.

XXIII. And be it enacted, That (subject to the Provisions herein contained for increasing or reducing the Number of Directors) the Number of Directors shall be Ten, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary the Number of Directors.

XXIV. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors of the Company, but the whole Number of Directors shall never be greater than Twelve nor less than Six.

First Directors.

XXV. And be it enacted, That all Persons who at the Time of passing this Act may be Directors elected or appointed under the Provisions of the said recited Act hereby repealed shall be the first Directors under and for the Purpose of executing this Act.

Quorum of Directors.

XXVI. And be it enacted, That the Quorum of a Meeting of Directors shall be Four.

Committees of Directors.

XXVII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Five, of whom any Two in the Absence of the others shall be competent to act.

Directors may declare Dividends half-yearly.

XXVIII. And be it enacted, That it shall be lawful for the Directors, without the Direction or Sanction of a General Meeting, from Time to Time to declare and pay in the Interval between any Two ordinary annual General Meetings a Half Year's Dividend out of the Profits

Profits of the Company to the Shareholders, but the Directors shall not make any Dividend whereby the Capital of the Company will be reduced.

Appointment of Auditor.

XXIX. And be it enacted, 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.

Remuneration of Auditor.

XXX. And be it enacted, That the Remuneration of such Auditor for each such yearly Audit shall not exceed the Rate of Two Pounds Two Shillings *per* Day, nor the Sum of Four Pounds Four Shillings in the whole, and the same shall be paid to him by the Company.

Undertaking to be considered as divided into Two Branches and separate Accounts kept for each Branch.

XXXI. And be it enacted, That for the Purposes of keeping Accounts, and declaring and making Dividends, the said Undertaking shall be considered as divided into Two Branches, one of which shall include all Matters relating to or connected with the Supply of Water, and the other shall include all Matters relating to or connected with the Supply of Gas, and that the Company shall keep separate and distinct Accounts of all Monies expended and received in respect of each Branch of the Undertaking, and that One Moiety of the whole of the Costs, Charges, and Expenses of establishing the Company, and of applying for and obtaining this Act, shall be charged against each Branch of the said Undertaking.

Scheme to be prepared previous to Dividend to show Profit, &c.

XXXII. And be it enacted, That the Scheme to be prepared pursuant to the "Companies Clauses Consolidation Act, 1845," previously to declaring a Dividend, shall show the Amount of Profit derived from each Branch of the Undertaking applicable to the Purposes of Dividend.

Newspaper for Insertion of Advertisements.

XXXIII. And be it enacted, That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some One or more Newspaper or Newspapers published in the County of *Durham*.

Notices on Shareholders.

XXXIV. And be it enacted, That all Notices to be served by the Company on Shareholders shall be so served as to allow the Party served at least Five clear Days for observing or performing the Act, Matter, or Thing therein required or mentioned.

Power for the Company to purchase Waterworks and Gasworks of the Hartlepool West Harbour and Dock Company.

XXXV. And be it enacted, That for the Purpose of better enabling the Company to supply the said District with Water and Gas, it shall be lawful for the Company to contract with and purchase or take on Lease from the *Hartlepool* West Harbour and Dock Company, and for the *Hartlepool* West Harbour and Dock Company to sell or lease to the Company, a certain Spring or Stream of Water called the *Old Quarry Spring*, and certain Gasworks and Waterworks constructed by the said *Hartlepool* West Harbour and Dock Company for the Supply of

of their Docks and Works, and such of the Lands and Hereditaments of the said *Hartlepool* West Harbour and Dock Company near to the said Spring or Stream of Water, Gasworks and Waterworks, as are shown on the Plan and mentioned in the Book of Reference hereinafter referred to, and as the Company may require, upon such Terms and Conditions as shall be mutually agreed upon between the Parties; and it shall be lawful for the said *Hartlepool* West Harbour and Dock Company to sell such Works, Land, and Hereditaments to the Company as last aforesaid, without previously offering the same to any other Person, notwithstanding anything to the contrary contained in the "Lands Clauses Consolidation Act, 1845," or in the special Act relating to the said *Hartlepool* West Harbour and Dock Company.

Power to Company to make Contracts with other Persons to supply them with Water.

XXXVI. And be it enacted, That for the Purpose of better enabling the Company to supply with Water the said Town of *Hartlepool* and the Neighbourhood thereof, it shall be lawful for the Company and they are hereby authorized and empowered from Time to Time to make and enter into all such Contracts and Agreements as they may think fit or deem expedient with any Person willing to contract with them to supply them the said Company wholly or partially with Water.

Power to make new Works according to deposited Plans.

XXXVII. And whereas Plans and Sections showing the Line, Situation, and Levels of the intended Works, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands and Streams in or through which the same are intended to be made or to pass, have been deposited with the Clerk of the Peace of the County of *Durham:* Be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make and maintain the said Works in the Lines or Situation and on the Levels and upon the Lands delineated on the said Plans and Sections respectively, and described in the said Book of Reference, and to enter upon, take, and use such of the Lands, Streams, and Waters delineated on the said Plans and described in the said Book of Reference as the said Company shall deem necessary for that Purpose, or to acquire compulsorily or by Agreement any Easement, Liberty, Privilege, Power, or Authority in or over the same, or to agree for a Lease of such Lands, Streams, and Waters, and to take therefrom such Water as the Company may require for the Purposes of this and the said incorporated Acts.

Power to deviate from Plans in certain Cases.

XXXVIII. And be it enacted, That it shall be lawful for the said Company in making the said Works by this Act authorized, where Limits of Deviation are marked on the Plans, to deviate from the Lines delineated on the said Plans so deposited with the said Clerk of the Peace, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, nor to a greater Extent in passing through a Town, Village, or Lands continuously built upon than Ten Yards, nor elsewhere to a greater Extent than One hundred Yards from the said Lines.

XXXIX. And

Power to purchase Land for additional Accommodation for Waterworks.

XXXIX. And be it enacted, That it shall be lawful for the Company, in addition to the Lands authorized to be compulsorily taken by them, to contract with any Party willing to sell or lease the same for the Purchase or Lease of any Lands and Streams not exceeding Twenty Acres, to be taken and used in such Places as shall be deemed eligible, for extraordinary Purposes; (that is to say,) for the Purpose of making and providing additional Tanks, Aqueducts, and other Buildings and Conveniences, or for making convenient Roads or Ways to the said Works, or for any other Purposes connected with the said Waterworks which the Company may think beneficial to the Undertaking.

Owners enabled to grant Leases.

XL. And be it enacted, That the several Persons empowered by the said "Lands Clauses Consolidation Act, 1845," to convey Lands shall respectively have full Power to grant any Lease or Leases of any Lands and Streams, or any Easement, Liberty, Privilege, Power, or Authority in, upon, through, or over the same, for the Purposes of this Act, or any of them: Provided always, that in every such Lease to be granted by Persons under any Disability or Incapacity, and not having Power to lease such Lands and Streams except under the Provisions of this Act, there be reserved and made payable during the Continuance thereof the best and most improved yearly Rent or Sum of Money that can, under the Circumstances of the Case, be reasonably had or gotten for the same, without taking any Fine, Premium, or Foregift for the same.

Period within which the Works are to be completed.

XLI. And be it enacted, That the Waterworks shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Waterworks as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend so as to restrain the Company from extending their Mains and Pipes from Time to Time whenever it shall be necessary for the Purpose of supplying the Inhabitants within the Limits of this Act with Water.

The Works in the Slake of Hartlepool to be made and altered in such Manner as the Admiralty shall direct.

XLII. And whereas a Portion of the Works as laid down on the Plans herein-before referred to are proposed to be laid down or constructed in, under, or along certain Tidal Lands commonly called the *Slake* near to *Hartlepool* aforesaid: Be it enacted, That the Company shall not lay down or construct any Portion of such Works as last aforesaid so as the same shall interfere with the Flux and Reflux of the Tide, nor shall the Company lay down or construct any Portion of the Works in, under, or along the said Tidal Lands until they shall have submitted to the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, a Plan and Working Drawing of such Portion of the said intended Works as shall be laid down or constructed in, under, or along such Tidal Lands, and such Plan and Working Drawing shall have been approved of by the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, under the Hand of the Secretary to the

Admiralty for the Time being, and such Portion of the said intended Works shall be laid down and constructed only in such Manner as shall have been so approved of; and if at any Time hereafter any Docks, Cuts, Slips, or other Works of a like Nature, shall be made or constructed by the Owners of any of the Lands adjoining the said Tidal Lands, the Company shall from Time to Time, at their own Expense, and without any Claims for Compensation, alter and divert their Pipes and Works in such Manner as and when the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall from Time to Time, under the Hand of the Secretary of the Admiralty for the Time being, direct or require.

Works below High-water Mark not to be executed without the Consent of the Admiralty.

XLIII. And be it enacted, That it shall not be lawful for the Company to construct below High-water Mark, at ordinary Spring Tides, any Work whatever, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed, it shall not be lawful for the Company 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 contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

Local Survey to made, if deemed expedient by the Admiralty, at the Cost of the Company.

XLIV. And be it enacted, That if, after Working Drawings of the Works of the Company hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, 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 Company.

If Works across Tidal Waters are abandoned Admiralty may remove them at the Expense of Company.

XLV. And be it enacted, That if any Work to be constructed by the Company in, under, or across any Tidal Water, or if any Portion of the Work which affects any such Water or Access thereto shall be abandoned or suffered to fall into Disuse or Decay by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time

or

or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

Constant Pressure to be afforded from Reservoir.

XLVI. And with respect to the Supply of Water in pursuance of the Thirty-fifth Section of the "Waterworks Clauses Act, 1847," be it enacted, That the Water so to be supplied need not be constantly laid on under a Pressure greater than the Height of the Water in the Reservoir by this Act authorized from whence such Supply is obtained will give.

Rates at which Water is to be supplied for domestic Purposes.

XLVII. And be it enacted, That the Company shall, at the Request of the Owner or Occupier of any Dwelling House or Part of a House in any Street in which any Water Pipe of the Company shall be laid, or of any Person who under the Provisions of this Act or any Act incorporated therewith 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 their domestic Uses at the Rates herein-after specified; (that is to say,)

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

Where such annual Value shall exceed Twenty Pounds, and not exceed Forty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds:

Where such annual Value shall exceed Forty Pounds, and not exceed Sixty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings:

Where such annual Value shall exceed Sixty Pounds, and not exceed Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds:

Where such annual Value shall exceed Eighty Pounds, and not exceed One hundred Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds Ten Shillings:

And where such annual Value shall exceed One hundred Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds:

What shall be deemed domestic Purposes.

Provided always, that a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths, Water-closets, Fountains, ornamental Purposes, Horses or Cattle, or for washing Carriages, or for any Trade or Business whatsoever.

Limiting Amount of Charge for Water-closets.

XLVIII. And be it enacted, That the Company shall not charge more in any One Year than the several Rates herein-after specified in respect of Water-closets in or belonging to any private Dwelling House; (that is to say,)

Where the annual Value of any such private Dwelling House shall not exceed Ten Pounds *per Annum*, the Sum of Eight Shillings for each such Water-closet:

Where such annual Value shall exceed Ten Pounds, and not exceed Twenty-five Pounds, the Sum of Ten Shillings for each such Water-closet:

Where

Where such annual Value shall exceed Twenty-five Pounds, and not exceed Fifty Pounds, the Sum of Twelve Shillings for each such Water-closet:

Where such annual Value shall exceed Fifty Pounds, and not exceed One hundred Pounds, the Sum of Fifteen Shillings for each such Water-closet:

And where such annual Value shall exceed One hundred Pounds, the Sum of Twenty Shillings for each such Water-closet.

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

XLIX. And be it enacted, That it shall be lawful for the Company to supply any Person with Water for other than domestic Purposes at such Rate and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water.

Power to Undertakers to lease the Rates.

L. And be it enacted, That it shall be lawful for the Undertakers to lease the whole or any of the Water Rates payable by virtue of this Act for any Term not exceeding Three Years, and upon such Terms, Covenants, and Conditions as the Undertakers shall think proper; and every Lessee shall have the same Powers, Rights, and Remedies for recovering and enforcing the Payment of the Water Rates granted by the Lease as are by this and the said incorporated Acts vested in the Company for that Purpose: Provided always, that no such Lease shall defeat or abridge the Power by the said Waterworks Clauses Act given to the Court of Quarter Sessions of directing the Reduction of the Rates, and the Company shall reduce the Rates in the same Manner as they would have done in case no Lease had been granted.

Persons using Water to provide Stopcocks.

LI. And be it enacted, That every Person supplied with Water under the Provisions of this Act shall, when required by the Company, provide and affix such proper Tap, Stopcock, or other Apparatus to the Pipe conducting the Water from the Works of the Company as the Company shall direct, and shall keep such Tap, Stopcock, or other Apparatus in good Repair, so as effectually to prevent the Water from running to waste; and in case any such Person shall neglect to provide, when required by the Company, such Tap, Stopcock, or other Apparatus, or to keep the same in good Repair, it shall be lawful for the Company, or for any Person acting under their Authority, to cut off the Pipe or turn off the Water from the Premises of such Person until such Tap, Stopcock, or other Apparatus shall be provided or repaired, as the Case may require.

Penalty for suffering Water to run waste.

LII. And be it enacted, That if any Person supplied with Water by the Company shall wilfully or negligently do or suffer any Act, or permit or suffer any Pipe or Apparatus to be out of Repair, so that the Water supplied to him by the Company shall be wasted, or the Supply thereof improperly increased, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, together with the Value of the Water so wasted or improperly increased.

Company may repair Water Pipes,

LIII. And be it enacted, That it shall be lawful for the Company to repair any Place for Water, Pipe or Cock, that shall be out of repair

repair in any Dwelling House or other Building; and the Expenses of such Repair shall be payable by the Person occupying or using the same, and shall or may be recovered in manner by the said "Waterworks Clauses Act, 1847," provided for Recovery of the Water Rate. &c., and recover the Expenses.

LIV. And be it enacted, That it shall be lawful for the Company to agree with the Owners of any Lands, Works, or Premises which they may think requisite or proper for the Purposes of supplying Gas within the Limits of this Act, for the absolute Purchase, for a Consideration in Money, or for a Lease on such Terms as may be agreed on, of any such Lands, Works, or Premises, or such Part thereof as they shall think proper, so that the Area of such Lands or Premises shall not exceed Ten Acres in the whole. Power to purchase or lease Lands for the Gas Works.

LV. And be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to construct and maintain such Gasworks and Apparatus, and such Buildings with Approaches thereto, upon the Lands belonging to the Company or hereby authorized to be purchased by them, and to do all such other Acts as they shall think necessary for supplying the Inhabitants within the Limits of this Act with Gas, and to supply such Gas upon such Terms as shall be agreed upon between the Company and the Persons supplied therewith, and to sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas, in such Manner as the Company may think proper. Company empowered to construct Gasworks.

LVI. And be it enacted, That from and after the Expiration of any existing Contract for the Supply of Gas to any public Lamps within the Limits of this Act, the Company shall afford such Supply from any Main situate within Twenty-five Yards of any such Lamp, at a Price equal to the lowest Price charged for the Time being by the Company to any private Consumer. Regulating Supply of Gas and Price for public Lamps.

LVII. And be it enacted, That, subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other Apparatus from any Main or Branch Pipes into, through, or against any Building for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply. Power to Undertakers to lay Pipes for lighting Buildings.

LVIII. Provided always, and be it enacted, That nothing in this Act or the said incorporated Acts contained shall extend or be construed to extend to prejudice, interfere with, or derogate from the Rights, Privileges, or Advantages of the Commissioners for improving the Pier and Port of *Hartlepool*. Saving Rights of Commissioners of the Pier, &c. of Hartlepool.

LIX. Provided always, and be it enacted, That nothing in this Act or in the said incorporated Acts contained shall extend or be deemed or construed to extend to authorize or empower the Company to enter upon, take, use, or purchase, or do any Act which shall affect any Company not to interfere with the Property of the Corporation of

Hartlepool without Consent.

any of the Property of the Mayor and Burgesses of the Borough of *Hartlepool* without the Consent of the said Mayor and Burgesses, their Successors or Assigns, first had and obtained.

Saving the Rights of the Crown.

LX. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Undertaking not exempt from Provisions of 11 & 12 Vict. c. 63.

LXI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of "The Public Health Act, 1848," or of any general Act relating thereto, or to the Subject Matter thereof, which may pass during the present or any future Session of Parliament.

Public Act.

LXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.