



AN NO DECIMO OCTAVO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. xlix.*

An Act for repealing an Act called “The *Hartlepool* Gas and Waterworks Act, 1849,” and granting other Powers in lieu thereof; and for enabling the *Hartlepool* Gas and Water Company to raise further Money, and for other Purposes; the Short Title of which is “The *Hartlepool* Gas and Waterworks Act, 1855.” [15th June 1855.]

**W**HEREAS an Act was passed in the Thirteenth Year of the Reign of Her present Majesty, intituled *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*, whereby the Company thereby incorporated were empowered to raise the Sum of Thirty-four thousand Pounds by Shares, and any Sum not exceeding One Third of the said Sum of Thirty-four thousand Pounds by Mortgage or Bond: And whereas the said Company have accordingly issued Shares for the whole of the said Sum of Thirty-four thousand Pounds, and the whole of such

[*Local.*] 7 P Sum

12 & 13 Vict. c. xxv.

*The Hartlepool Gas and Waterworks Act, 1855.*

Sum has been called up, and expended upon the Purposes authorized by the said Act, but no Money has been raised by Mortgage or Bond: And whereas the Company have proceeded to construct the Works authorized by the said recited Act, and otherwise to put the Powers thereby conferred upon them into execution, but the Number of Houses and Buildings within the Limits of the said recited Act has greatly increased since the passing thereof, and the Monies thereby authorized to be raised are insufficient for enabling the Company to extend their Pipes and Works so as adequately to supply the increasing Wants of the District authorized to be supplied with Gas and Water by the said recited Act: And whereas it is expedient that the Company should be authorized to raise further Monies, and that further Powers should be granted to the Company for carrying out the Objects contemplated by the said recited Act: And whereas the Objects aforesaid might be more conveniently effected if the said recited Act were repealed, and further Powers and Provisions granted and made instead thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it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, as follows; (that is to say,)

Recited Act  
repealed.

I. That the said recited Act shall be and is hereby repealed.

8 & 9 Vict.  
cc. 16 & 18.  
and  
10 & 11 Vict.  
cc. 15 & 16. in-  
corporated.

II. 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," shall be incorporated with this Act.

Company not  
to take Land  
without  
Consent.

III. Provided always, That nothing in the said Lands Clauses Consolidation Act contained shall authorize the Company to take or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Interpreta-  
tion of cer-  
tain Terms  
in Acts  
incorporated  
herewith.

IV. That in construing the said "Companies Clauses Consolidation Act," "The Lands Clauses Consolidation Act," "The Gasworks Clauses Act," and "The Waterworks Clauses Act," as incorporated with this Act, the Expression "the Special Act" shall mean this Act, and the Expression "the Works" or the "Undertaking" shall mean the existing Gasworks and Waterworks of the Company and Works connected therewith, as well as the Extension of their Mains, Pipes, and Works which the Company may be by this Act and the Acts  
incorporated



*The Hartlepool Gas and Waterworks Act, 1855.*

incorporated herewith authorized to maintain and execute; the Expressions "the Promoters of the Undertaking" or "the Undertakers" shall mean the *Hartlepool Gas and Water Company*.

V. That the Word "Company" in this Act and the Acts incorporated herewith shall mean the *Hartlepool Gas and Water Company*. "Company."

VI. That, notwithstanding the Repeal of the said Act, the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be and continue a Company for the Purpose of supplying with Gas and Water the Inhabitants, Buildings, and Lands within the Limits of this Act, and for other the Purposes herein and in the said incorporated Acts contained, by the Name of "The *Hartlepool Gas and Water Company*," and by that Name shall be and continue a Body Corporate, with perpetual Succession and a Common Seal, and have Powers to purchase and hold and sell Lands for the Purposes of the Undertaking. Company to continue incorporated.

VII. That the Company shall continue established for the Purpose of supplying and lighting with Gas and supplying with Water the several Streets, Places, Churches, Chapels, Shops, Taverns, private Houses, Manufactories, and other Buildings and Works within the Limits of this Act, and also for the dealing in Coke, Coal, Lime, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Matters the Products of the Coal or other Materials which may be employed in the Manufacture of Gas, and also for manufacturing, fixing, and selling or dealing in Gas Fittings, Water Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks or Waterworks, or with the Supply of Gas or Water to the Consumers thereof, in such Manner as the Company may think proper. Purposes of the Company.

VIII. That it shall be lawful for the Company to complete and maintain the Gasworks and Waterworks authorized by the repealed Act, and from Time to Time to construct, lay down, and maintain such Buildings, Machinery, Retorts, Gasholders, Tanks, Mains, Pipes, Drains, and other Works and Apparatus, and such Dwelling Houses for the Use of their Officers and Workmen, and to perform such other Acts as they may deem requisite for carrying the Objects and Purposes of this Act into execution. Powers of the Company.

IX. That,

*The Hartlepool Gas and Waterworks Act, 1855.*

Estates and  
Liabilities of  
the Com-  
pany vested  
in and  
binding  
on them.

IX. That, notwithstanding the Repeal of the said Act, all the Lands, Tenements, and Hereditaments, Monies, and all Rights, Claims, Easements, and Privileges, and all Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the Company, shall be and remain vested in the Company; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the Company shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the Company; and all Debts which immediately before the passing of this Act were due and owing by the Company shall be paid, with all Interest (if any) due and to accrue due thereon, by the Company; and all Rates or Rents which immediately before the passing of this Act were due and payable or then accruing due under or by virtue of the said recited Act to the Company shall be and remain due and payable to the Company, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates and Rents by this Act made payable; and all Conveyances, Contracts, Mortgages, Bonds, Covenants, Liabilities, Securities, Arrangements, and Agreements made or entered into before the passing of this Act to, with, in favour of, or by or for the Company, shall be and remain as valid and effectual in favour of or against and with reference to the Company, and may be proceeded on, enforced, and satisfied in the same Manner, to all Intents and Purposes as if this Act had not been passed.

Rates and  
Rents pay-  
able under  
recited Act  
to continue  
payable till  
altered by  
this Act.

X. That, notwithstanding the Repeal of the said Act, all Rates, Rents, or Charges made or imposed under or by virtue of the repealed Act, and which at the Time of the passing of this Act shall be due and payable or accruing due and payable, or if this Act had not passed would have been due and payable, shall continue to be payable until the same shall be altered under the Authority of this Act, and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges to be received in pursuance of this Act may be collected or received.

Transfers of  
Shares, &c.  
to remain in  
force.

XI. That, notwithstanding the Repeal of the said Act, all Sales, Transfers, and Dispositions executed before the passing of this Act of any Share or Shares in the Joint Stock of the Company shall remain in full force and virtue, and shall be and continue available in all respects whatsoever, in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

XII. That,



---

*The Hartlepool Gas and Waterworks Act, 1855.*

---

XII. That, notwithstanding the Repeal of the said Act, no Action, Suit, Prosecution, or other Proceeding whatever, commenced either by or against the Company previous to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, the same shall continue to take effect, either in favour of or against the Company, in the same Manner in all respects as the same would have continued and taken effect in relation to the Company if this Act had not been passed; and also all Penalties incurred by any Offence against the Provisions of the recited Act previously to the passing of this Act may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the recited Act may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not been passed.

Actions, &c.  
not to abate.

Penalties  
to be re-  
coverable.

XIII. That, notwithstanding the Repeal of the said Act, all Books and other Documents whatsoever by the recited Act authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts whatsoever.

Books, &c.  
made Evi-  
dence by  
recited Act  
to continue  
so.

XIV. That the several Maps or Plans and Books of Reference mentioned or referred to in the said repealed Act which have been deposited with the Clerk of the Peace for the County of *Durham* shall remain in the Custody of said Clerk of the Peace, for the Purposes mentioned or referred to in the said repealed Act.

Plans, &c. to  
remain with  
the Clerk of  
the Peace.

XV. That, notwithstanding the Repeal of the said Act, all Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of the recited Act shall hold and enjoy their respective Offices and Employments, together with the Salaries and Emoluments thereunto annexed, until they shall be removed therefrom by the Company or Directors; and all such Clerks, Officers, and Persons shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all respects whatsoever as if they had been appointed by virtue of this Act.

Officers  
under re-  
cited Act to  
continue  
until re-  
moved.

XVI. Provided always, That, notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under the recited Act shall be as valid as if the recited Act were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done

General  
Saving of  
Rights, &c.  
under re-  
pealed Act.

[*Local.*]

7 Q

or



---

*The Hartlepool Gas and Waterworks Act, 1855.*

---

or suffered, and all Rights, Liabilities, Claims, and Demands, both present and future, which, if the recited Act were not repealed, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Claims, and Demands, the Company remaining incorporated under the Provisions of this Act shall represent the Company incorporated by the said repealed Act: Provided always, that the Generality of the preceding Provision shall not be restricted by any of the Clauses and Provisions of this Act.

Limits of  
Act.

XVII. That the Limits of this Act shall be deemed and taken to extend to and include the Towns of *East* and *West Hartlepool* and the Neighbourhood thereof, which shall be taken to mean and to extend to and include the whole of the Parishes of *Hart* and *Stranton* in the said County of *Durham*.

Capital.

XVIII. That the Capital of the Company shall be One hundred thousand Pounds, of which Thirty-four thousand Pounds is the Capital raised under the Authority of the said repealed Act, and Sixty-six thousand Pounds the Capital to be raised under the Authority of this Act.

Shares.

XIX. That the Number of Shares into which the said Capital of Thirty-four thousand Pounds shall be divided shall be Six thousand eight hundred, and the Amount of each Share shall be Five Pounds.

Power to  
raise further  
Monies by  
new Shares.

XX. That, in addition to the said Capital of Thirty-four thousand Pounds, the Company may from Time to Time raise, by the Creation of new Shares, any Sum or Sums of Money not exceeding in the whole Sixty-six thousand Pounds.

After Capital  
consolidated  
into Stock,  
Stock may  
be issued  
instead of  
Shares.

XXI. That after the Company shall have consolidated any Portion of their Share Capital into Stock it shall be lawful for them to issue Stock instead of Shares for any Monies which they may then be authorized to raise under the Authority of this Act.

New Shares  
or Stock to  
be considered  
the same as  
original  
Shares.

XXII. That the Capital so to be raised shall be considered as Part of the general Capital, and shall, subject to the Provisions hereinafter contained as to the Amount of Calls and the Time of Payment thereof, be subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares on Non-payment of Calls, or the Privileges and Advantages to be conferred by Stock or otherwise, as if it had been Part of the original Capital, and as to any Stock which may be issued by the Company, as if such

Stock

*The Hartlepool Gas and Waterworks Act, 1855.*

Stock had arisen from Shares consolidated into Stock under the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Consolidation of Shares into Stock.

XXIII. Provided always, That with respect to the additional Capital of Sixty-six thousand Pounds, authorized to be raised by virtue of this Act, it shall not be lawful for the Company to make a Dividend in any Year exceeding the Rate of Seven Pounds and Ten Shillings in the Hundred Pounds on the Sums paid up of such additional Capital, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend on the said Capital which shall have fallen short of the said yearly Rate.

Limitation  
of Profits on  
new Capital.

XXIV. That if at the Time of any Augmentation of Capital taking place by the Creation of new Shares or Stock the then existing Shares or Stock be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum to be raised by Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively; and the new Shares or Stock, as the Case may be, shall be offered to the then Shareholders in proportion to the existing Shares or Stock held by them respectively; and such Offer shall be made by Letter, under the Hand of the Secretary of the Company, 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 known Place of Abode.

If old Shares  
at a Pre-  
mium, new  
Shares or  
Stock to be  
offered to  
original  
Share-  
holders.

XXV. That the said new Shares or Stock shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company, at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares or Stock to accept the same, and pay the Money called for in respect thereof, it shall be lawful for the Company to dispose of such Shares or Stock in such Manner as they shall deem most for the Advantage of the Company.

New Shares  
or Stock to  
vest in  
Parties ac-  
cepting;  
otherwise to  
be disposed  
of by the  
Company.

XXVI. That if at the Time of such Augmentation of Capital taking place the existing Shares or Stock be not at a Premium, then such new Shares may be of such Amount and such new Shares or Stock may be issued in such Manner and on such Terms as the Company shall think fit.

If not at a  
Premium, to  
be issued as  
Company  
think fit.

XXVII. That One Fifth of a Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders upon

Calls.



*The Hartlepool Gas and Waterworks Act, 1855.*

upon any Share, and Two Months at least shall be the Interval between successive Calls.

Power to  
borrow on  
Mortgage.

XXVIII. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum or Sums not exceeding in the whole Twenty-five thousand Pounds; but no Part of such Sum or Sums shall be borrowed until the whole of the said Capital or Sum of One hundred thousand Pounds shall have been subscribed for, or Shares or Stock taken for the same, and One Half thereof shall have been actually paid up.

Arrears may  
be enforced  
by Appoint-  
ment of a  
Receiver.

XXIX. That it shall be lawful for the Mortgagees of the Company to enforce the Payment of Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and the prescribed Sum in order to authorize the Appointment of a Receiver shall be One thousand Pounds.

Application  
of Money.

XXX. That all Money raised by the Company by Shares or borrowing, or vested in the Company under the Powers of this Act, shall be applied to the Purposes by this Act authorized, and to no other Purpose.

Ordinary  
Meetings to  
be held  
yearly.

XXXI. That a General Meeting of the Shareholders of the Company shall be held in the Month of *August* in every 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 at some Place within the Limits of this Act, to be appointed by the Directors.

Quorum of  
General  
Meetings.

XXXII. 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  
Extraordi-  
nary Meet-  
ing.

XXXIII. 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 Five thousand Pounds in the Capital of the Company.

Scale of  
voting.

XXXIV. That the Scale according to which Shareholders may vote in respect of their Shares or Stock shall be as follows, on the Amount or nominal Value of such Shares or Stock :

For Ten Pounds and less than Twenty-five Pounds, One Vote:

For Twenty-five Pounds and less than Fifty Pounds, Two Votes:

For Fifty Pounds and less than One hundred Pounds, Three Votes:

For



*The Hartlepool Gas and Waterworks Act, 1855.*

For One hundred Pounds or more an additional Vote for every Fifty Pounds beyond the first Fifty Pounds.

XXXV. That (subject to the Provisions herein contained for 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 Shares or Stock in the Undertaking of the nominal Value of One hundred Pounds.

Number and  
Qualification  
of Directors.

XXXVI. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors of the Company, but the whole Number of Directors shall never be less than Six.

Power to  
vary the  
Number of  
Directors.

XXXVII. That the several Persons who were Directors of the Company immediately before the passing of this Act shall continue to be Directors after the passing of this Act, and they shall go out of Office in Rotation, and other Directors shall be appointed in their Place, in the same Order as would have happened under the Provisions of the said Companies Clauses Consolidation Act, in case the said recited Act had not been repealed.

Present  
Directors to  
continue, &c.

XXXVIII. That the Quorum of a Meeting of Directors shall be Four.

Quorum of  
Directors.

XXXIX. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three or more than Five, of whom any Two shall be a Quorum.

Committees  
of Directors.

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

Directors  
may declare  
Dividends  
half-yearly.

XLI. 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.

Appoint-  
ment of  
Auditor.

XLII. That, for the Purpose 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

Undertaking  
to be con-  
sidered as  
divided

[Local.]

7 R

*The Hartlepool Gas and Waterworks Act, 1855.*

into Two  
Branches,  
and separate  
Accounts  
kept for each  
Branch.

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 the Company shall keep separate and distinct Accounts of all Monies expended and received in respect of each Branch of the Undertaking, and 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 pre-  
paratory to  
Dividend to  
show Profit  
in respect of  
each Branch.

XLIII. 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 Adver-  
tisements.

XLIV. 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*.

Power to  
Company to  
make Con-  
tracts with  
other Per-  
sons to sup-  
ply them  
with Water.

XLV. 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  
to purchase  
Land for  
additional  
Accommoda-  
tion for  
Waterworks.

XLVI. That it shall be lawful for the Company, in addition to the Lands now held 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.

XLVII. That the several Persons empowered by the said "Lands Clauses Consolidation Act, 1845," to convey Lands shall respectively have full Power to grant any perpetual Lease or Leases of any Lands, 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



*The Hartlepool Gas and Waterworks Act, 1855.*

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.

XLVIII. 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 respective Reservoirs by the said repealed Act authorized, from whence such Supply shall be obtained, will give.

Constant  
Pressure to  
be afforded  
from  
Reservoir.

XLIX. That in order to provide against Accidents to Life or Property by the bursting of any Reservoir made under the Provisions of the recited Act or this Act, be it enacted, That whenever it shall be represented to Two Justices of the Peace by the Owners or Occupiers of any Dwelling House, Mill, Factory, or other Works situate below such Reservoir as aforesaid, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if they shall be satisfied that such Reservoir is in a dangerous State they shall by Writing under their Hands order and require the Company, within a Time to be specified in such Writing, to put such Reservoir into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Company shall not within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any other Two Justices, have repaired the said Reservoir, or constructed the said Works, or in case, upon receiving such Representation as aforesaid, the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom they may think proper, to enter upon the Premises of the Company, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir, and to such a Level as may be necessary to remove the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Reservoir shall have been repaired, or such Works as aforesaid shall have been constructed, to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices, and who shall signify their Satisfaction by Writing superseding such Order, or until such Order shall be superseded upon Appeal,

Power for  
Justices to  
order repair  
of Reser-  
voirs, and in  
certain  
Cases to  
direct the  
Water there-  
in to be  
lowered.



*The Hartlepool Gas and Waterworks Act, 1855.*

Appeal, as herein-after mentioned ; and such Order may be in the Form or to the Purport and Effect following ; (that is to say,)

‘ To *A. B.*

‘ **WE**, the undersigned, Two of Her Majesty’s Justices of the  
 ‘ Peace acting in and for the County of \_\_\_\_\_, do  
 ‘ hereby order and direct you, and such Person or Persons as you may  
 ‘ require to aid and assist you herein, forthwith to do all such Acts as  
 ‘ may be necessary to lower the Water in a certain Reservoir known  
 ‘ as the \_\_\_\_\_ Reservoir by the Space of \_\_\_\_\_ Feet or there-  
 ‘ abouts, and to keep the same at that Level until you shall be further  
 ‘ instructed by us, or by Two other Justices of the Peace acting in and  
 ‘ for the said County ; and you shall do as little Injury as possible to  
 ‘ the Property of the Hartlepool Gas and Water Company ; and in  
 ‘ acting in obedience to the Premises this shall be your sufficient  
 ‘ Warrant.

‘ Given under our Hands, this \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ One thousand eight hundred and \_\_\_\_\_

‘ (Signed) *C. D.*  
 ‘ *E. F.*

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser ; and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds : Provided always, that, except where the Urgency of the Case will not admit of the Delay, the Justices, before making an Order to repair any such Reservoir, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Company, and shall hear and consider any Evidence that may be tendered on behalf of the Company against the making of such Order : Provided also, that if the Company shall consider themselves aggrieved by any such Order they may appeal against the same to the General or Quarter Sessions of the Peace for the County in which such Reservoir shall be situate, upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal ; and the Court of General or Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices, as they may think proper, but until such Order shall be superseded it shall continue in full Force ; and all the Costs, Charges, and Expenses of applying for, obtaining, and enforcing such Order shall be borne by the Company, unless the Justices making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do ; and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Court.

L. Pro-



*The Hartlepool Gas and Waterworks Act, 1855.*

L. Provided always, That the Company shall not be liable to pay any Persons any Damages, Penalties, Costs, Charges, or Expenses for or in respect of or be answerable or be accountable to any Persons for any Diminution or Cessation of the Supply of Water, or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under this Act, which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in this Act to the contrary notwithstanding.

Company not to be responsible for Consequences of such Order.

LI. 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,)

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

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.

LII. Provided always, That a Supply of Water for domestic Purposes shall include a supply of Water for One Watercloset, but shall not include a Supply of Water for Baths, Fountains, watering Gardens, ornamental Purposes, or Cattle, or for Horses or washing Carriages, where such Horses and Carriages are kept for Hire or by Common Carriers, or by a Dealer in Horses or Carriages, or for any Trade or Business whatsoever.

What shall be deemed domestic Purposes.

LIII. That the Company shall not charge more in any One Year, in respect of Waterclosets in or belonging to any private Dwelling House,

Limiting Amount of Charge for

[Local.]

7 S

House,

*The Hartlepool Gas and Waterworks Act, 1855.*

Water-closets.

House, than the Sum of Eight Shillings *per Annum* for the Second Watercloset, and the Sum of Four Shillings *per Annum* for every Watercloset beyond Two: Provided always, that the Company shall not be compellable to supply with Water any Watercloset, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste, Misuse, or undue Consumption of the Water of the Company, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Company.

Times at which Water Rates are to be payable.

LIV. That the Rates for Water authorized by this Act shall be paid in advance by equal quarterly Payments on the Fourteenth Day of *February*, the Thirteenth Day of *May*, the Thirteenth Day of *August*, and the Twenty-third Day of *November*; and the Provisions of the Waterworks Clauses Act, herewith incorporated, shall apply to such Rates for Water, as fully and effectually as if the Days or Periods for Payment of Rates mentioned in this Section had been mentioned in the Seventieth Section of the said Waterworks Clauses Act, instead of the Days or Periods therein mentioned.

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

LV. That it shall be lawful for the Company to supply any Person with Water for any Purpose in respect of which no special Rates are by this Act granted at such Rates 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 Company to lease the Rates.

LVI. That it shall be lawful for the Company 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 Company 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 Act 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.

Regulations to be made.

LVII. That it shall be lawful for the Company from Time to Time to make such Regulations as shall be necessary or expedient for the Purpose of preventing the Waste or Misuse of Water, and therein, amongst other things, to prescribe the Size, Nature, and Strength of the



*The Hartlepool Gas and Waterworks Act, 1855.*

the Pipes, Cocks, Cisterns, and other Apparatus whatsoever to be used, and to interdict any Arrangements and the Use of any Pipes, Cocks, Cisterns, or other Apparatus which may tend to such Waste or Misuse as aforesaid.

LVIII. And whereas the Provisions of The Waterworks Clauses Act with respect to Waste or Misuse of the Water supplied by the Undertakers have been found to be insufficient, inasmuch as great Waste or Misuse of Water occurs after the Hour of Four o'Clock in the Afternoon and before Nine o'Clock in the Morning, and it is expedient that further Power should be granted to the Company to prevent the Waste or improper Use of the Water of the Company: Be it enacted, That in case the Company shall complain to a Justice that they have Reason to believe that the Water of the Company is wasted or improperly used, or any of the Fittings of the Company likely to be injured or removed, it shall be lawful for such Justice and he is hereby authorized, if he shall think fit, to give his Authority to the Company, by their Agents, Servants, and Workmen, to enter, at any Hour which such Justice may, under the Circumstances, think reasonable, any House, Building, or Premises supplied with Water by the Company, for the Purpose of inspecting whether there be any such Waste, improper Use, Injury, or Removal; and it shall thereupon be lawful for the Company or any of their Officers or Servants (in addition to the Powers of Entry and Inspection contained in the said Waterworks Clauses Act) so to enter any such House, Building, or Premises for the Purposes aforesaid.

Power to enter and inspect at any Time, with Consent of a Justice.

LIX. That if any Person supplied with Water by the Company shall wilfully do or cause to be done any Act, Matter, or Thing in contravention of the Provisions of this Act or of any Act incorporated herewith, or shall wilfully omit or neglect to do any Matter or Thing which under such Provisions ought to be done for the Prevention of the Waste, Misuse, or undue Consumption, or the Contamination of the Water of the Company, it shall be lawful for the Company to turn or cut off the Water supplied by them to such Person, and to cease to supply such Person with Water, and also to recover from such Person the Amount of any Loss, Damage, or Injury which the Company may sustain by means or in consequence of any such Act, Matter, or Thing as aforesaid, or of any such wilful Omission or Neglect as aforesaid: Provided always, that after the Cause of Complaint shall have ceased, and the Person offending shall have made due Compensation to the Company for such Act, Matter, or Thing as aforesaid, such Person shall be again entitled to be supplied with Water by the Company.

Power to Company to cease to supply Water in certain Cases.

LX. That

*The Hartlepool Gas and Waterworks Act, 1855.*

Penalty for  
suffering  
Waste of  
Water.

LX. 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, or shall use or apply such Water for any other Purpose than the Purpose agreed upon, or shall permit or suffer any other Person to use, take, or waste any such Water, 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 or used; and any Justice authorized to impose such Penalty is hereby empowered and required to determine and certify the Amount of such Compensation, which Amount the Company may recover in like Manner as Charges for Water supplied by them may be recovered; and in all Cases the Person liable to pay the Water Rate shall be also liable to pay the Penalties and Compensation by this Section imposed on the Person supplied with Water.

Company  
may repair,  
and recover  
the Ex-  
penses.

LXI. That it shall be lawful for the Company to repair any Place for Water, Pipe, or Cock that shall be out of repair in or appurtenant to any Dwelling House or other Building, and the Expenses of such Repair shall be payable by the Person occupying or using the same, or liable to pay the Water Rates for any such House or Building, and shall or may be recovered in manner by the said "Waterworks Clauses Act, 1847," provided for Recovery of the Water Rate.

Power to  
purchase or  
lease Lands  
for the Gas-  
works.

LXII. 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 Purpose of enlarging or improving any existing Works for the Manufacture of Gas, and 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.

Company  
empowered  
to maintain  
Gasworks.

LXIII. That, subject to the Provisions in this Act and the said incorporated Acts contained, it shall be lawful for the Company from Time to Time to maintain, make, alter, and discontinue 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



*The Hartlepool Gas and Waterworks Act, 1855.*

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.

LXIV. 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  
Company to  
lay Pipes for  
lighting  
Buildings.

LXV. That the Company shall not demand or receive for the Supply of Gas any greater Sum than a Sum after the Rate of Five Shillings *per* Thousand Cubic Feet of such Gas.

Limiting the  
Price of Gas.

LXVI. 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.

LXVII. That the Register of the Meter shall be *primâ facie* Evidence of the Quantity of Gas consumed by any Customer of the Company, and in respect of which any Rent is charged, and sought to recovered by the Company.

Register of  
Gas Meter to  
be *primâ*  
*facie* Evi-  
dence.

LXVIII. That every Person who shall knowingly and wilfully prevent any Meter from duly registering the Quantity of Gas supplied by the Company shall for every such Offence forfeit and pay to the Company a Sum not exceeding Twenty Pounds, and any such Prevention caused by artificial Means shall be *primâ facie* Evidence of such Knowledge on the Part of the Consumer using any such Meter.

To prevent  
the fraudu-  
lent Con-  
sumption of  
Gas.

LXIX. That nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of "The Public Health Act, 1848," or of an Act passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Administration of the Laws relating to the Public*  
[Local.] 7 T Health,

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

---

*The Hartlepool Gas and Waterworks Act, 1855.*

---

*Health*, 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.

Short Title. LXX. That this Act may be cited for all Purposes as "The *Hartlepool Gas and Waterworks Act, 1855.*"

---

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1855.