



### CHAPTER xxi.

An Act to confer further powers upon the Hartlepool Gas and Water Company. A.D. 1898.  
[23rd May 1898.]

WHEREAS by the Hartlepool Gas and Water Act 1867 (in this Act referred to as "the Act of 1867") repealing the Hartlepool Gas and Water Act 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 share capital of two hundred thousand pounds and borrowing powers to the extent of fifty thousand pounds:

And whereas by the Hartlepool Gas and Water Act 1867 Amendment Act 1874 the Company were authorised to construct additional waterworks which they have since constructed:

And whereas by the Hartlepool Gas and Water Act 1878 the Company were authorised to raise further share capital to the amount of two hundred thousand pounds and further loan capital to the amount of fifty thousand pounds:

And whereas by the Hartlepool Gas and Water Act 1890 the Company were authorised to enter upon take and use certain lands and to erect maintain and renew or discontinue works for the manufacture and storage of gas or any residual products arising in the manufacture of gas and to make store and supply gas and residual products accordingly:

And whereas the Company have created and issued share capital to the amount of three hundred and forty-nine thousand one hundred and seventy pounds and have borrowed on mortgage and now owe the sum of eighty-three thousand five hundred pounds:

And whereas the increasing population of the district over which the powers and duties of the Company extend renders necessary an increasing outlay of capital by the Company and the demand for water within the said district has greatly increased and is still increasing:

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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 additional waterworks impound additional waters and raise additional capital as by this Act authorised :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Durham and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes of this Act 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 :—

Short title.

1. This Act may be cited as the Hartlepool Gas and Water Act 1898.

Incorporation of general Acts.

2. The following Acts and parts of Acts—

The Lands Clauses Acts ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing the Crookfoot Reservoir and Dalton Reservoir by this Act authorised and the works immediately connected therewith) ;

The Waterworks Clauses Acts 1847 and 1863 except the words of section 44 of the former of those Acts “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act ;

are incorporated with and form part of this Act :

And the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

And Part I (Cancellation and surrender of shares) Part II (Additional capital) and Part III (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts ;

are (except where expressly varied by this Act) incorporated with and form part of this Act.

**3. In this Act—**

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction ;

Interpretation.

The expression “undertaking” means the undertaking of the Company under the recited Acts and this Act ; and

For the purposes of this Act in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions “the railway” “the work” and “the centre line of railway” respectively mean the Crookfoot Reservoir and the Dalton Reservoir hereby authorised and the centre line of the Crookfoot Reservoir and Dalton Reservoir.

**4. Subject to the provisions of this Act the Company may make and maintain in the county of Durham the following works in the situations and according to the lines and levels shown upon the deposited plans and sections (that is to say) :—**

Power to make and maintain water-works.

No. 1 (Crookfoot Reservoir). A reservoir on Amerston Beck to collect the waters of that beck and its tributaries at Crookfoot or Quaker Gill situate partly in the township and parish of Embleton or the township of Embleton in the parish of Sedgefield

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in the Sedgefield rural district and partly in the parish and township of Elwick Hall in the Hartlepool rural district to be formed by means of an embankment to be placed across the brook or beck called Amerston Beck ;

No. 2 (Dalton Reservoir). A reservoir on Dalton Beck Char Beck Bogle Beck and Cradock Beck to collect the waters of those becks and their tributaries at "the Howls" partly in the township and parish of Dalton Piercy or the township of Dalton Piercy in the parish of Hart otherwise Harte and partly in the parish and township of Elwick or township of Elwick and parish of Hart all in the Hartlepool rural district to be formed by means of an embankment to be placed across the beck called Dalton Beck ;

No. 3 (Crookfoot Conduit). An aqueduct conduit or line of main pipes commencing in the township and parish of Embleton or the township of Embleton in the parish of Sedgefield in the Sedgefield rural district from at and out of the intended Crookfoot Reservoir on the south-eastern side thereof and terminating at a point in the Dalton Piercy Road thirty-three yards north of the public road bridge over Dalton Beck ;

No. 4 (Dalton Conduit). An aqueduct conduit or line of main pipes commencing at the point of termination of the intended Crookfoot Conduit as herein-before described and terminating at the point of intersection of Elwick Road and York Road in the parish of Stranton in the borough of West Hartlepool ;

No. 5. An aqueduct conduit or line of main pipes wholly in the township and parish of Dalton Piercy or the township of Dalton Piercy in the parish of Hart otherwise Harte in the Hartlepool rural district commencing by a junction with the Crookfoot Conduit herein-before described and terminating in the intended Dalton Reservoir ;

No. 6. An aqueduct conduit or line of main pipes wholly in the township and parish of Dalton Piercy or the township of Dalton Piercy in the parish of Hart otherwise Harte in the Hartlepool rural district commencing at and in the intended Dalton Reservoir and terminating by a junction with the Dalton Conduit herein-before described at the point of commencement thereof as herein-before described ;

No. 7 (Hurworth Conduit). An aqueduct conduit or line of main pipes commencing in the township and parish of Embleton or the township of Embleton in the parish of Sedgefield in the Sedgefield rural district and terminating in the township and parish of Hart otherwise Harte in the Hartlepool rural district in the gauge basin of the Company's existing reservoir known as Hart Upper Reservoir ;

No. 8 (Embleton Road Diversion). A diversion wholly in the parish and township of Elwick Hall in the Hartlepool rural district for a length of one thousand and fifty yards or thereabouts of a public road leading from the village of Embleton to the Coal Lane ;

No. 9 (Murton Road Diversion). A diversion for a length of six hundred yards or thereabouts of an occupation road leading from the last-mentioned public road to East Murton commencing in the township and parish of Embleton or the township of Embleton in the parish of Sedgefield in the Sedgefield rural district and terminating in the parish of Elwick Hall in the Hartlepool rural district ;

No. 10. A footpath and footbridge diversion by the raising of the existing level of a footpath and footbridge in Scotland Wood wholly in the parish and township of Embleton in the Sedgefield rural district or the township of Embleton in the parish of Sedgefield ;

No. 11 (Dalton Footpath Diversion). A diversion for a length of twenty-four yards or thereabouts of a public footpath between Dalton Piercy and Elwick commencing in the parish and township of Elwick or the township of Elwick in the parish of Hart otherwise Harte in the Hartlepool rural district and terminating in the aforesaid parish and township and district at a point where the footpath is intersected by the public road leading from Dalton Piercy to Elwick :

And the Company may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act.

5. In making the works by this Act authorised or any of them the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and where on any road or any part of any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the Company may also deviate vertically from the levels of any such works shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that if it be found necessary or expedient in the construction of the respective reservoirs by this Act authorised to alter the situation of the respective embankments thereof the Company shall not construct such embankments of a greater height above the general surface of the ground than three feet above that shown on the deposited sections Provided also that no part of any aqueduct conduit or line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown

Lateral and vertical deviation.

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Provided further that within the borough of West Hartlepool all  
aqueducts conduits and lines of pipes shall be laid and maintained  
under the metalled portion of the roadway only and at a minimum  
depth of three feet to be measured from the finished surface of the  
road to the barrel of the pipe.

Power to  
make  
incidental  
and dis-  
tributing  
works.

6. The Company in addition to the foregoing works may make  
alter maintain and renew all proper and necessary sluices embank-  
ments gauges weirs waste weirs overflows bridges drains aqueducts  
filtering beds main pipes tunnels roads approaches apparatus  
engines pumps machinery works and conveniences in connection  
with the reservoirs and aqueducts herein-before described and  
authorised by this Act or which may be necessary or convenient to  
be made on any lands for the time being of the Company for the  
purpose of obtaining storing and distributing water and obtaining  
access thereto and may alter improve enlarge extend renew or  
discontinue all or any of the said works but nothing in this section  
shall exonerate the Company from any action indictment or other  
proceeding in the event of any nuisance being caused or permitted  
by them.

Power for  
Company to  
take waters.

7. Subject to the provisions of this Act the Company may for  
the purposes of their undertaking collect impound take and divert  
by and in the works by this Act authorised and use and appropriate  
the waters of all such streams and all such waters as will or may be  
intercepted by the works by this Act authorised or as may be found  
in upon or under any lands for the time being belonging to the  
Company or which or easements over or in respect of which they  
may acquire under the powers of this Act and especially the waters  
of Amerston Beck Dalton Beck Char Beck Bogle Beck Cradock  
Beck and Elwick Beck and the tributaries sources and springs  
thereof respectively.

Certain waters  
not to be used  
for domestic  
purposes.

8. The Company shall not at any time supply water for domestic  
purposes from the Crookfoot Reservoir or Dalton Reservoir by this  
Act authorised.

Notice to  
be given to  
the cor-  
porations in  
certain  
cases.

9. Whenever after the passing of this Act the Company have  
occasion to supplement the supply of water for other than domestic  
purposes by the addition thereto of water which they would other-  
wise supply for domestic purposes they shall before making such  
addition communicate in writing under the hand of the secretary of  
the Company their intention so to do to the town clerks of the  
boroughs of Hartlepool and West Hartlepool at least twenty-four  
hours before making such addition.

10. With respect to the waters to be taken and the compensation water to be afforded by the Company the following provisions shall have effect (that is to say) :—

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Provisions  
as to com-  
pensation  
water.

- (1) The Company shall before they take and use any water from the Crookfoot Reservoir by this Act authorised discharge or cause to flow into the Amerston Beck not less than one hundred and eight thousand and four gallons of water per diem and the said quantity of water shall be so discharged or caused to flow continuously and equally throughout the twenty-four hours of every day :
- (2) The Company shall before they take and use any water from the Dalton Reservoir by this Act authorised discharge or cause to flow into the Dalton Beck not less than one hundred and thirty-eight thousand six hundred and thirty-two gallons of water per diem and the said quantity of water shall be so discharged or caused to flow continuously and equally throughout the twenty-four hours of every day :
- (3) The Company shall construct and for ever thereafter maintain within a distance of one hundred yards from the foot of the embankments of the Crookfoot and Dalton Reservoirs respectively suitable measuring gauges over or through which the compensation water shall flow or be discharged and such other works as shall be necessary to carry into effect the provisions of this section and the gauges and works shall be respectively open to the inspection and examination of any party interested in such water :
- (4) If at any time any of the said gauges or works shall be in an unfit state of repair or condition for the purposes for which it or they is or are intended the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the Company or if they fail so to do within twenty-one days after notice given to them by any of the persons interested in the flow of the said compensation water requiring them so to do then any such person may cause the said gauges or works to be placed in fit repair and condition and may recover the expense of so doing with full costs of suit against the Company in any court of competent jurisdiction without prejudice to the daily penalties :
- (5) If the Company shall fail to send down compensation water in manner by this section provided the Company shall for and during every day on which such failure shall occur forfeit and pay by way of penalty a sum not exceeding the sum of five pounds to any party interested in such water being the owner lessee or occupier of any mill or work or riparian owner down

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to the hamlet of Embleton on the Amerston Beck and as to the Dalton Beck down to the junction of that Beck with the river Tees :

- (6) The provisions of this section shall be accepted and taken by all parties interested as full compensation for all water the Company may or can at any time collect divert impound and abstract from the Amerston Beck Dalton Beck Char Beck Bogle Beck and Cradock Beck or their tributaries or any or either of them.

Period for compulsory purchase of lands.

11. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to acquire additional lands by agreement.

12. The Company in addition to the lands which they are otherwise authorised to purchase or hold may for any of the purposes of their undertaking by agreement purchase or take any additional quantity of land not exceeding in the whole twenty acres or any easement or right (not being an easement or right of water in which persons other than the grantors have an interest) in or over such additional lands or otherwise which they may think requisite for any of the purposes of their undertaking and may thereon execute for the purposes of and in connection with their undertaking any of the works and exercise any of the powers mentioned in section 12 of the Waterworks Clauses Act 1847 but subject to the proviso therein contained Provided that the Company shall not on any such lands create or permit any nuisance or erect or authorise or (so long as the same are held by them) permit the erection of any buildings other than buildings connected with or necessary for their undertaking or houses cottages and buildings for their officers and servants.

Power to take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or 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 and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

14. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or



except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

**15.** If the works by this Act authorised and shown on the deposited plans are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing any such work or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from renewing extending enlarging altering or removing any of their engines machinery mains pipes works and conveniences and increasing and improving their supply of water whenever they find it requisite.

Period for completion of works.

**16.** The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses buildings works plant apparatus or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Leasing &c. of superfluous lands.

**17.** The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise for the purposes of their water undertaking.

Application of authorised capital.

**18.** The Company may raise additional capital not exceeding in the whole eighty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person

Power to raise additional capital.

A.D. 1898. accepting the same unless and until the full nominal amount of such share or stock (if such share or stock shall be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of eighty thousand pounds. And provided that the Company shall not under the powers of this Act create a greater amount than fifty thousand pounds (nominal value) of such additional capital as preference capital.

Appropriation of additional capital.

**19.** The additional capital of eighty thousand pounds by this Act authorised to be raised shall be called "water capital" and shall be appropriated to and used for the water undertaking only of the Company.

Limit of dividend on additional capital.

**20.** The Company shall not in any one year make out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on different classes of shares or stock.

**21.** The holders of the various classes of ordinary stock or shares in the capital of the Company created under the recited Acts and this Act shall up to and until the respective prescribed maximum rates of dividend on such respective stock or shares have been reached be entitled to receive dividends at the same rates per centum per annum.

As to votes of proprietors.

**22.** The proprietors of any additional shares or stock to be created and issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Company and the proprietors of such additional shares or stock shall except as in this Act specially provided be entitled to the same dividends and the same rights and privileges in all respects and be subject to the same obligations and liabilities as the proprietors of the original shares or stock of the Company.

Shares or stock in additional capital to be offered by auction or tender.

**23.** Notwithstanding anything in this Act contained the Company shall when any new shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or

not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

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**24.** It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Time for paying up shares or stock sold.

**25.** The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerks of the boroughs of Hartlepool and West Hartlepool and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said boroughs.

Notice to be given as to sale of shares or stock.

**26.** When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863. Provided always that any shares or stocks so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act and the reserve put upon such shares or stock may upon such second auction or tender if the directors of the Company think fit be less than the price put upon the same at the preceding offer thereof for sale by auction or tender

Shares or stock not sold by auction or by tender to be offered to shareholders.

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and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

**27.** Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow in respect of additional capital.

**28.** The Company may in respect of the additional capital of eighty thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any moneys not exceeding in the whole twenty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted (and to the extent aforesaid paid up) bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Repeal of provisions of Act of 1878 as to receiver.

**29.** Section 17 of the Hartlepool Gas and Water Act 1878 (For appointment of receiver) is hereby repealed but subject and without prejudice to any appointment made or proceedings taken under or

by virtue of that section and in force or pending at the time of the passing of this Act. A.D. 1898.

**30.** The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole. As to appointment of a receiver.

**31.** All mortgages granted by the Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. Existing mortgages to have priority.

**32.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be given on all mortgages and certificates of debenture stock. Debenture stock.

**33.** The provisions of this Act with respect to the offering of new shares or stock for sale by auction or tender shall apply *mutatis mutandis* to the issue of all debentures and debenture stock. Provisions as to auction &c. to apply to borrowed money.

**34.** All money raised or to be raised by the Company on mortgage or debenture stock shall have priority against the Company and the property of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which Priority of mortgages over other debts.

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As to conversion of borrowed money into capital.

**35.** The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the powers of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five per centum per annum.

Application of moneys.

**36.** All moneys raised under this Act whether by shares or stock or borrowing or by debenture stock shall be applied only for the purposes of the Company to which capital is properly applicable.

Agreements with other bodies &c.

**37.** The Company may enter into and carry into effect contracts or agreements with any county council urban or rural district council or other local authority public body company or persons for or with respect to the supply by the company to any such county council urban or rural district council or other local authority public body company or persons without the limits of supply of water in bulk for any purposes and for any period but such supply if for domestic purposes shall not be furnished from the Crookfoot Reservoir or Dalton Reservoir by this Act authorised. Provided that such supply shall not be given without the consent in writing of any local authority or company authorised by special Act or Provisional Order confirmed by Parliament to supply water within the district within which the supply is to be given. Provided also that the Company shall not supply water under any such contract or agreement if and so long as the affording such supply would prevent the Company from giving a full and sufficient supply for domestic purposes.

Illuminating power of gas.

**38.** As from the first day of January one thousand eight hundred and ninety-nine section 27 of the Hartlepool Gas and Water Act 1878 shall be and the same is hereby repealed and the prescribed number of candles shall be fifteen.

Costs of Act.

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

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