



ANNO UNDECIMO

# GEORGII IV. REGIS.

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## *Cap. cxxvi.*

An Act for the Improvement of the *Shannon* Navigation, from the City of *Limerick* to *Killaloe*, by rebuilding the Bridge called *Baal's Bridge*, in the said City. [17th June 1830.]

**W**HEREAS by an Act passed in *Ireland* in the Second Year of the Reign of His late Majesty King George the First, intituled *An Act to encourage the draining and improving* 2 G. 1. (1.) *the Bogs and unprofitable low Grounds in Ireland, and for easing and dispatching the Inland Carriage and Conveyance of Goods from one Part to another within this Kingdom*, it is enacted, amongst other things, that certain Persons therein named, their Heirs and Assigns, should be and were thereby authorized and empowered, at their proper Costs and Charges, to make the River *Shannon* navigable, portable, and passable for Boats, Lighters, and other Vessels of Burden to navigate and pass therein, and by and through the same, from the new Quay, Wharf, and common Landing Place of the City of *Limerick* to the Town of *Carrickdrum Rush* in the County of *Leitrim*, through and by the Counties of *Limerick, Clare, Galway, and Tipperary, King's County, Westmeath, Longford, Roscommon, and Leitrim*, and from Time to Time to continue, maintain, exercise, and use such Navigation at his and their Will and Pleasure: And whereas by an Act passed in *Ireland* in the Thirty-first Year of the Reign of His late Majesty King George the Second, intituled *An Act for the widening and repairing or rebuilding a Bridge called* 31 G. 2. (1.) *Baal's*

[Local.] 37 A



33 G. 2. (1.) Baal's Bridge, in the City and Garrison of Limerick, and for enabling and obliging the Person entitled to the Houses and Ground on the said Bridge to dispose of their Interests in the same, on reasonable Terms, for the Purposes aforesaid, and an Amendment thereof passed in the Thirty-third Year of the Reign of the said King George the Second, certain Persons therein named were constituted and appointed Commissioners for repairing the said Bridge, but for Want of Funds they were unable to take down or rebuild the same: And whereas the Wharf or common Landing Place of the said City of Limerick lie at the North-west or Sea Side of Baal's Bridge in the said City: And whereas certain Merchants and others residing in and about the City of Limerick undertook the forming the Canal which runs from the deep Water above the Town of Killaloe to Limerick, and accordingly proceeded to make the same from Killaloe to the South-east Side of said Bridge called Baal's Bridge: And whereas by another Act passed in the Parliament of Ireland in the Seventh Year of His late Majesty King George the Third, intituled

7 G. 3. (1.) *An Act for applying the Sum of Six thousand Pounds granted by Parliament to the Corporation for promoting and carrying on an Inland Navigation in this Kingdom, to be by them applied in carrying on a Navigation from the City of Limerick to the deep navigable Water above the Town of Killaloe, and for encouraging other Persons to subscribe for carrying on and completing the said Work at their own Expence,* it was enacted that certain Persons subscribing Money as therein mentioned for completing the said Navigation were incorporated by the Name of "The Company of Undertakers for making the River Shannon navigable from Limerick to Killaloe," with full Powers, as therein mentioned: And whereas by an Act passed in the Parliament of the United Kingdom in the Fifty-third Year of His said late Majesty,

53G.3. c.144. intituled *An Act to amend an Act of the Parliament of Ireland of the Fortieth Year of His present Majesty, for promoting Inland Navigation in Ireland,* Provision was made for purchasing the Interest of the then Limerick Navigation Company in the Navigation and Works then vested in and belonging to the said Company, and for transferring, conveying, and vesting all Right and Interest of the said Company on the said Navigation in the Directors General of Inland Navigation: And whereas the River Shannon hath not been made navigable or passable for Boats, Barges, Lighters, or other Vessels of Burden to navigate and pass therein, and by and through the same, from the new Quay, Wharf, and common Landing Place of the City of Limerick to the Town of Carrickdrum Rush in the County of Leitrim; and the Navigation and Commerce of the said Canal, and the Trade of the said City of Limerick, have been greatly impeded and injured by the Stoppage and Impediment to the said Navigation in consequence of the said Bridge called Baal's Bridge, through or under which no Canal Boat can pass with Safety, and it being therefore requisite for all such Boats as come up to the said Bridge to discharge their Cargoes at one Side thereof, for the Purpose of being conveyed by Land for Reshipment at the other Side of the said Bridge, to the Risk of Injury to the Cargoes thus transhipped, and great Loss and Inconvenience to the Public: And whereas the Inhabitants of the Counties of Clare and Limerick repeatedly applied to the said Board of Inland Navigation to have the said Bridge rebuilt and made pass-

able



able for Vessels; and the said Board having caused their Engineer to examine the said Bridge, he reported that the same was a Nuisance, injurious to the Public, and a complete Interruption to the Navigation of the *Shannon*, and that the rebuilding of the same would be attended with great Advantage to the Trade of the Counties of *Clare* and *Limerick*, and would extend the Navigation above Eighty Miles on the *Shannon*, and make a direct Communication through the said Canal between the Counties of *Limerick*, *Clare*, and *Kerry*, and the Western Parts of *Great Britain*, thus facilitating the Transmission of *Irish* Produce, and the Returns of Colonial and manufactured Goods, and thereby completing the Navigation as intended by the said recited Acts; but the said Board of Inland Navigation were unable to rebuild the same, from having no Funds at their Disposal: And whereas it is just and expedient that the Property of the said Canal and Navigation, from the deep Water above *Killaloe* to *Limerick*, with the Tolls and Profits thereof, should be applied to the Purposes of rebuilding and maintaining the said Bridge, and extending or otherwise improving the Navigation of the said River *Shannon*, and that the same should be vested in a Company of Persons interested in the Maintenance and Preservation of the same, and who would undertake the Superintendence and Management of the said Canal, and the Outlay of such Sum or Sums of Money as might be deemed necessary for the general Improvement of the said Navigation of the River *Shannon*, within such Period, in such Manner, and under such Controul as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall direct and appoint: And whereas several Persons have entered into a Subscription for the Purpose of raising a Joint Stock or Fund for the Purposes aforesaid, and have formed themselves into a Company under the Denomination of "The *Limerick* Navigation Company:" And whereas the said *Limerick* Navigation Company have proposed to undertake the Superintendence and Outlay of such Sum or Sums of Money as shall be necessary for the rebuilding of the said Bridge, and for the general Improvement of the said River, in manner to be approved of by an Engineer for that Purpose appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and to complete the same in Two Years from the passing of this Act: And whereas it is expedient that the said Company should be formed into a Corporate Body, and the said Navigation of the *Shannon* from *Killaloe* to *Limerick*, with the Tolls and Profits thereof, be vested in such Corporate Body, to enable them to make the proposed Improvements in the said Navigation, and to maintain the same in good and sufficient Order, under such Restrictions and Regulations as Parliament shall deem fit and expedient: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 whenever and so soon as it shall be made appear, upon any Plan and Estimate, to the Satisfaction of the Lord Lieutenant or other Chief Governor or Governors, what Sum shall be necessary and sufficient for the rebuilding of the said Bridge, and Improvement of the said Navigation, and that the same has been actually subscribed, and the

Power of  
Commis-  
sioners of  
Inland  
Navigation  
to cease.



the Payment thereof fully made or secured, it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, by any Order to be signified to the said *Limerick* Navigation Company by the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors, to declare the Approbation of such Lord Lieutenant or other Chief Governor or Governors of such Plan and Estimate, and to direct that from a Day to be mentioned in such Order all Powers and Authorities whatsoever vested in the said Directors General of Inland Navigation, or in any Commissioners, Officers, Servants, Agents, or other Persons employed, appointed, or authorized by them, shall cease and determine, and shall become null and void, so far as the same relate to the Navigation of the said River *Shannon* from the deep navigable Water above the Town of *Killaloe* to *Limerick*, or of any Part thereof, or of the Property, Tolls, or Profits of the same, or to the Controul, Management, or conducting thereof, and all such Powers and Authorities shall thereupon actually cease and determine accordingly, and shall be and become and are hereby declared to be null and void.

Limerick  
and Killaloe  
Navigation  
Company to  
be a Cor-  
poration.

II. And be it further enacted, That from and after the Day mentioned in such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the Mayor of the City of *Limerick*, the President and Vice President of the Chamber of Commerce of *Limerick*, the Chairman of the *Limerick* Bridge Commissioners, all for the Time being, and the several Person or Persons who have so as aforesaid formed themselves into a Company for managing, directing, extending, improving, repairing, and governing the said Navigation, or such of them as shall from Time to Time be possessed of any Share or Shares in the said Undertaking, with such other Person or Persons, Bodies Politic or Corporate, as may hereafter from Time to Time be possessed of any Shares therein, their Successors and Assigns, shall be a Corporation by the Name of "The *Limerick* Navigation Company;" and that the said Corporation shall have perpetual Succession and a Common Seal, and shall be capable in Law to purchase and take Messuages, Lands, Tenements, and Hereditaments, for the Purposes of this Act, without incurring any of the Penalties and Forfeitures of the Statutes of Mortmain.

Property  
vested in the  
Corporation.

III. And be it further enacted, That from and after the Day mentioned in such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the entire of the said *Shannon* Navigation, extending from deep Water above the Town of *Killaloe* to the Port of the City of *Limerick*, with the Trackways, Weirs, Lands, Houses, Yards, Locks, Stores, Punts, Barges, Implements, Rights, Ways, and Property whatsoever thereunto belonging or appertaining, also all Maps, Estimates, Plans, and other Documents belonging or appertaining to the said Navigation, and requisite and necessary for the Purposes of this Act, shall be and the same are hereby vested in the said Corporation of the *Limerick* Navigation Company, and with the like Powers for the said Company, their Officers and Servants, of levying Tolls, Rates, and Duties, making Bye Laws, and regulating the Navigation, and maintaining, repairing, deepening, extending, and improving the same, and all other Powers vested in the Directors

tors



tors General of Inland Navigation, by the said recited Acts, and also the Acts relating to *Baal's Bridge*, or in the Commissioners appointed by the said recited Acts for the Improvement of the said Bridge called *Baal's Bridge*, or the Corporation so created by the said recited Act passed in the Seventh Year of His said Majesty King *George* the Third, for carrying the Inland Navigation from the City of *Limerick* to the deep Water above the Town of *Killaloe*.

IV. And be it further enacted, That the said Directors General of Inland Navigation shall, upon Demand and Production of such Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, signified as aforesaid, deliver up to the said *Limerick* Navigation Company the Possession of all such Trackways, Weirs, Lands, Houses, Yards, Locks, Stores, Punts, Barges, Implements, Rights, Ways, and Property thereunto belonging or appertaining whatsoever, and also of all such Books, Papers, Accounts, Maps, Plans, Estimates, Surveys, and other Documents, Matters, and Things relating to the said *Shannon* Navigation, at *Limerick* and *Killaloe* as aforesaid, now in their Possession or Custody, or in the Possession of any Commissioner, Surveyor, Officer, or Person or Persons in Trust for them or any of them, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall think requisite and necessary for the Purposes of this Act, and as shall be specified and required in and by any Order, Direction, or Notice to be signified and communicated to the said Directors of Inland Navigation at any Time by the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Directors of Inland Navigation to deliver up all Property, Books, &c. relating to the Shannon Navigation.

V. And whereas, by the said recited Act of the Fortieth Year of the Reign of King *George* the Third, Power is given to the said Directors General of Inland Navigation to charge and levy certain Tonnage Rates and Tolls on the said Canal, as therein mentioned; be it further enacted, That it shall not be lawful to demand or receive any higher Tonnage Rates or Tolls on the said Canal than are fixed, taken, and charged by the said Directors General of Inland Navigation, on the said Canal, at the Time of the passing of this Act.

Company not to demand higher Tolls, &c. than are already charged.

VI. And be it further enacted, That it shall and may be lawful for the said Company, and they are hereby authorized, by themselves, their Deputies, Agents, Officers, Contractors, Workmen, and Servants, to take down said Bridge called *Baal's Bridge*, and to remove and take away the Materials of same, with all Buildings now standing or remaining thereon, and to design, lay out, make, erect, and build one Bridge of Stone or Iron over the said River *Shannon*, at or near the Scite where the said Bridge called *Baal's Bridge* now stands, and agreeably to the Plans deposited with the Clerk of the Parliament, and to make convenient Roads and Approaches thereto, and to open a free Navigation of the said River *Shannon* from *Killaloe* outwards to the Mouth of the said River; and it shall be lawful to and for the said Company, and their Successors, to design, assign, lay out, and appoint in what Manner and of what Dimensions such Bridge shall be built, and from Time to Time to design, assign, and lay out such

Company empowered to build Bridge.



Streets, Roads, and Approaches to the said Bridge, and upon such Plans and of such Dimensions respectively, as the said Company shall think proper.

Houses not to be taken down without Consent, or Compensation being made.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or be held to authorize the said *Limerick* Navigation Company to remove or take down the Houses on the said Bridge, without the Consent of the Persons interested therein, or until Compensation be made to such Person or Persons pursuant to the Provisions of the said herein-before recited Act of the Thirty-third *George* the Second, Chapter Fifteen.

Limitation of Time.

VIII. And be it further enacted, That the rebuilding of the said Bridge shall be commenced within Three Months, and be completed within Two Years, from the passing of this Act.

The Whole of the Capital to be subscribed before the Act is put in force.

IX. And whereas the probable Expence of building the said Bridge and other Works hereby authorized to be made will amount to the Sum of Three thousand Pounds, and the Sum of Two thousand five hundred Pounds, being more than Four Fifth Parts thereof, has already been subscribed by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for Payment of the several Sums by them subscribed respectively; be it further enacted, That the whole of the said Sum of Three thousand Pounds shall be subscribed before any of the Powers given by this Act shall be put in force.

Company empowered to raise the Money amongst themselves.

X. And be it further enacted, That it shall and may be lawful for the said *Limerick* Navigation Company to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, such Sum or Sums of Money as shall be necessary for making, carrying on, and completing the said Bridge and Works hereby authorized to be made, not less than the whole Sum of Three thousand Pounds, and that the same shall be divided into such Numbers of Parts or Shares as herein-after directed; and the Money so subscribed and to be raised as aforesaid, or a sufficient Part thereof, shall be laid out and applied, in the first place, in payment, satisfaction and discharge of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and the making of the proper Surveys, Plans and Estimates, and for the doing and providing of all the Matters and Things preparatory and previous thereto; and all the Residue of such Money, or so much thereof as shall be necessary, shall be applied and disposed of for or towards the making, carrying, and completing and maintaining of the said Navigation, and other Works respectively, and for other the Purposes of this Act.

The Stock to be divided into Shares.

XI. And be it further enacted, That the said Sum of Three thousand Pounds so to be subscribed as aforesaid shall be divided into Sixty equal Shares, and that no Person shall take or subscribe for less than One Share in the said Undertaking and such Share shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same; and the said Sixty Shares shall be and they are hereby



vested in the several Persons, Bodies Politic and Corporate, subscribing for and undertaking to raise and contribute the same, and their respective Executors, Administrators, Successors, and Assigns, to and for their own respective Use and Benefit, according and proportionably to the Number of Shares which they shall respectively subscribe for and undertake to raise and contribute; and all Persons, Bodies Politic and Corporate, and their respective Executors, Administrators, Successors, and Assigns, who shall subscribe for any Share or Shares in the said Undertaking, and pay such Sum or Sums of Money as shall be demanded on account thereof, towards the rebuilding of the said Bridge and other Works hereby authorized to be made, shall be entitled to and receive, after the said Work shall be completed, a due and just Proportion, according to their respective Number of Shares, of the clear Profits and Advantages which shall or may arise or accrue by or from the Rates, Tolls, Duties, and other Monies to be raised, recovered, or received by virtue of this Act as herein-after mentioned, according to the true Intent and Meaning hereof.

XII. And be it enacted, That at every General or other Meeting of said Company every Question shall be decided by all on the Majority in Number and Value (according to their respective Shares of the said Capital as directed by this Act) of the Proprietors present and qualified to vote; provided that no Person shall be entitled to vote at any such Meeting unless he or she shall have been a *bonâ fide* Holder of not less than Two Shares of Fifty Pounds each in the Capital of said Company for Six Months at least; and at every General Meeting a Chairman shall be appointed by the Proprietors present; and every Chairman shall be entitled to his Vote or Votes as a Proprietor, and also, in case of Equality of Votes, shall have the casting Vote: Provided always, that at all special and other Meetings of the said Company the Persons herein-before specially named as Directors *ex officio* shall be and they hereby are authorized to vote without the Qualification herein set forth.

As to voting  
at General  
Meetings.

XIII. And for the better enforcing the Payment of the said Sums so subscribed, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Twenty-one Days next ensuing any such Call, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Twenty Pounds for every Share he, she, or they shall have in the said Undertaking; and if such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised as aforesaid, for the Space of Three Calendar Months next after such Call or Calls shall have been appointed to be paid as aforesaid, then and in such Case it shall and may be lawful to and for the said *Limerick* Navigation Company, at some General or Special General Meeting to be held after such Neglect or Refusal, to declare all and every or any of the Share

Enforcing  
Payment of  
Subscription.



Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be disposed of for the Purposes of this Act: Provided always, that no Share or Shares of and in the said Undertaking shall be forfeited or vested in or shall accrue to the said *Limerick* Navigation Company until Notice thereof in Writing shall be given by the Clerk of the said Company to the Person or Persons, or to the Clerk or Clerks or other Head Officer or Officers of the Body or Bodies Politic, Corporate, or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or left at his, her, or their Dwelling House or usual or last known Place of Abode, Ten Days at least previous to such Share or Shares vesting in or accruing to the said *Limerick* Navigation Company, provided that such Place or Places of Abode shall be known to the Clerk of the said Navigation Company; and in case the same shall be unknown to the Clerk of the said Company, such Notice shall be published in the *Dublin Gazette*, and such other public Newspaper or Newspapers as the said Committee shall order and direct; in which Notices respectively shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for his, her, or their Share or Shares in the said Undertaking; and that no such Share or Shares shall be forfeited to or vested in the said *Limerick* Navigation Company if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and the aforesaid Penalties for Nonpayment, and all Expences attending the Application for the same, within the Time specified in such Notice; any thing contained in this Act to the contrary thereof in anywise notwithstanding.

The Corporation may buy up Shares.

XIV. And be it further enacted, That if the *Limerick* Navigation Company, or their Committee of Management for the Time being, shall deem it expedient, out of any Surplus of Monies, or otherwise, to take up any Share or Shares in the said Canal Navigation which shall be offered for Sale, then and in such Case it shall be lawful for any General Meeting of the said *Limerick* Navigation Company, either to direct that any such Share or Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said *Limerick* Navigation Company in Trust for the said Company; and such Share or Shares may in such last-mentioned Case, at any Time thereafter, be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the erecting or repairing of any Building or Works belonging to the said Canal, or any other Purpose necessary for carrying on the same.

Proprietors to vote according to the Number of their Shares, in the Proportions herein mentioned.

XV. And be it further enacted, That all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, and their respective Executors, Administrators, Successors, and Assigns, who shall by virtue of this Act have subscribed or undertaken for, or become entitled to and be in the actual Possession of, Two Shares for or towards raising the Sum of Three thousand Pounds, hereby authorized to be raised in the first instance, shall have a Vote or Votes at all



all Meetings of the said Navigation Company to be held in pursuance of this Act, for or in respect of the Shares for, to, or of which he, she, or they shall have so subscribed, undertaken, or become entitled or possessed, in manner following; (that is to say,) for or in respect of One Vote for Two Shares, Two Votes for Five Shares, and Three Votes for Ten or more Shares; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at any Meeting of the said Company to be held in pursuance of this Act, shall be determined by the Majority of Votes then present.

XVI. Provided always, and be it further enacted, That it shall and may be lawful for every such Body Politic, Corporate, or Collegiate entitled to vote at Meetings of the said *Limerick* Navigation Company to be held in pursuance of this Act, by Writing under their Common or Corporate Seal, and also for all and every other Person and Persons entitled to vote as aforesaid, by Writing under his, her, or their Hand or Hands, and in case of the Infancy, Idiocy, or Lunacy of any such Person or Persons, then for his, her, or their Guardian or Guardians, Committee or Committees, by Writing under the Hand or Hands of each Guardian or Guardians, Committee or Committees, to constitute and appoint any other Proprietor or Proprietors entitled to vote in respect of his, her, or their own Share or Shares in the said Undertaking, their, his, or her Proxy or Proxies, to vote at any such Meeting of the said *Limerick* Navigation Company; and every such Vote by Proxy shall be as good and valid, to all Intents and Purposes, as if the Principal or Principals had voted in Person.

Proprietors may vote by Proxy.

XVII. And be it further enacted, That the Appointment of every Proxy to vote under and by virtue of this Act shall and may be made in the Form or to the Effect following; that is to say,

Form of Proxy.

‘ I    Proprietor [*or* Guardian of  
 ‘ a Proprietor] of    Shares in the *Lim erick* Navigation  
 ‘ Company, do hereby nominate, constitute, and appoint  
 ‘ to be my Proxy [*or* Proxy of the said    ], in my [*or* his,  
 ‘ *or* her] Name, and in my [*or* his, *or* her] Absence, to vote and  
 ‘ give my [*or* his, *or* her] Assent or Dissent to any Business, Matter,  
 ‘ or Thing relating to the said Navigation, which shall be mentioned  
 ‘ or proposed at any Meeting of the said Company, or any Adjourn-  
 ‘ ment thereof, until I [*or* the said    ] shall revoke this  
 ‘ Appointment by Notice in Writing to the Clerk of the said Company.  
 ‘ In witness whereof I have hereunto set my Hand this  
 ‘ Day of    ’

And every such Appointment shall be produced to the Clerk of the said *Limerick* Navigation Company, and entered in a Book to be kept by him for that Purpose, before any Vote shall be given in respect of such Appointment, which Book shall be sufficient Authority for any Proxy to give his Vote or Votes, without Production of his Appointment at the Time of voting, until the same is revoked.

Appointment of Proxy to be entered in Book.

XVIII. And be it further enacted, That it shall not be lawful for any Person or Persons to erect any House or Building, or to erect or keep or have any Stand or Stands for Sale of any Wares or Merchandize, upon the said Bridge to be so built.

No House, &c. to be erected on the Bridge.



3 & 4 G. 4.  
c. 112. s. 2.  
authorizing  
Money to be  
advanced on  
Security of  
Rates for  
public  
Works.

XIX. And whereas by an Act made in the Third Year of the Reign of His present Majesty King George the Fourth, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a public Nature, and for the Encouragement of the Fisheries, in Ireland*, it is among other Things enacted, that it shall and may be lawful for the Commissioners for the Execution of the said Act, and the Acts therein recited, by and with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to direct any Advance of Money to be made under the said Acts in aid of any public Works whatever in *Ireland*, or for the Purpose of commencing, carrying on, or completing of any public Roads, Railways, Bridges, Canals, Navigations, or Embankments, Drainages, Harbours, or Churches, or any public Works whatever, in *Ireland*, or for the making or executing of any Work whatever, whether of a public or private Nature, in *Ireland*, either upon such Real or Personal Securities as in the said Acts are mentioned, or upon Mortgage or Assignment of any Rates, Rents, Tolls, or Profits, or of any expected Rates, Rents, Tolls, or Profits, of any such public or private Works, in all Cases in which it shall appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that any such Rates, Rents, Tolls, or Profits, or any expected Rates, Rents, Tolls, or Profits, shall or may be sufficient to pay Interest on such Advance, and the Principal Money so advanced, at or within any such Time or Times and by any such Instalments as the Commissioners for the Execution of the said Acts, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, may think proper in any Case to direct and appoint, and as shall be specified in the Security to be given, or in the Mortgage or Assignment to be made of such Rates, Rents, Tolls, or Profits, or expected Rates, Rents, Tolls, or Profits; and although the Whole or any Part of the estimated Expences of any such public Works shall not be subscribed for or deposited or vested in any Public Fund; be it enacted, That at any Time after the passing of this Act, it shall and may be lawful for the *Limerick* Navigation Company to apply to the Commissioners for the Execution of the said recited Act, and the several Acts therein recited, for the Advance of any Sum or Sums of Money upon the Security of the Tolls expected to arise and be payable, or which shall arise and be payable, under this Act; and in case the Commissioners for the Execution of the said recited Acts shall think fit to direct any Sum or Sums of Money to be advanced for the Purposes of this Act, under the Regulations and Conditions of the said recited Act, it shall be lawful for the *Limerick* Navigation Company to mortgage or assign all or any of the Tolls expected to arise and be payable, or which shall arise or be payable, under this Act, to the Commissioners for the Execution of the said recited Acts, as a Security for the Payment of the Interest and Principal of any Sum or Sums so to be advanced at or within any such Time or Times and by any such Instalments as the Commissioners for the Execution of the said recited Acts, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall think proper to direct and appoint, and as shall be specified in such Mortgage or Assignment, pursuant to the Regulations contained in the said recited Act; and every such Mortgage or Assignment, and

Corporation  
may apply to  
the Commis-  
sioners under  
the recited  
Act, for a  
Loan upon  
Mortgage of  
the Rates,  
&c.



the Sums payable under or by virtue of the same, shall in all Cases have Preference and Priority over any other Mortgage or Assignment of any of the said Tolls, or any Grant of any Annuity payable out of the said Tolls, made to any other Person or Persons under this Act; and the Interest of all such Sums so advanced shall be fully paid and satisfied before the Payment of any Interest or Annuities under any other Security granted under the Authority of this Act; and the Principal Sums secured by such Mortgage or Assignment to the Commissioners for the Execution of the said recited Acts shall be paid and satisfied at such Time or Times and by such Instalments as shall be specified in the Mortgage or Assignment given for Security of the same, in preference and priority to all other Payments under the Authority of this Act.

Such Mortgage to have Preference over any other Mortgage under this Act.

XX. And be it further enacted, That it shall be lawful for the *Limerick* Navigation Company from Time to Time to borrow and take up at Interest such other Sum or Sums of Money, not exceeding in the whole the Sum of Ten thousand Pounds, for the Purposes of this Act, upon the Credit of the Tolls to be levied, collected, and raised, and to be payable to the said Company by virtue of this Act, and to assign all or any Part of the said Tolls to such Person or Persons as shall lend and advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced, and Interest for the same; and the Costs of every such Assignment shall be defrayed by the said Company out of the Monies to be so borrowed; and every such Assignment shall be in the Words or Effect following:

Company may borrow Money at Interest.

‘ WE, the *Limerick* Navigation Company, appointed by an Act of  
 ‘ Parliament made in the Eleventh Year of the Reign of King  
 ‘ *George* the Fourth, intituled *An Act for* [here set forth the Title of  
 ‘ *this Act*], in consideration of the Sum of Pounds  
 ‘ advanced and lent by of upon the  
 ‘ Credit and for the Purposes of the said Act, do hereby grant and  
 ‘ assign unto the said or to his said Trustee or  
 ‘ Trustees [as the Case may be], his Executors, Administrators, and  
 ‘ Assigns, such Proportion of the Tolls and Duties payable to us by  
 ‘ virtue of the said Act as the said Sum of doth  
 ‘ or shall bear to the whole Sum which may at any Time be borrowed  
 ‘ and become due or owing or be charged upon the Credit of the  
 ‘ said Act; to be holden from this Day of  
 ‘ until the said Sum of with Interest at the Rate of  
 ‘ per Centum per Annum for the same, shall be repaid and  
 ‘ satisfied. In witness whereof we, the said Company, have hereunto  
 ‘ affixed our Corporate Seal the Day of in  
 ‘ the Year .’

Form of the Assignment.

And every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Payment thereof, and to all Profits and Advantages thereon, according to the true Intent and Meaning of this Act, and as so expressed in such Security.

XXI. And



Monies may  
be raised by  
Annuities.

XXI. And be it further enacted, That in case the said *Limerick* Navigation Company shall think it advisable or advantageous to raise all or any Part of the Money to be borrowed under this Act by granting Annuities for Lives instead of by Assignment as aforesaid, it shall and may be lawful for the said Company, and they are hereby authorized and empowered, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the said Company any Sum or Sums of Money, as to the said Company shall seem right and proper, for the absolute Purchase of any Annuity and Annuities to be paid and payable during the natural Life or Lives of such Person or Persons as shall be nominated at the Time of Payment of such Contribution or Purchase Money; and the Expence of every such Grant shall be defrayed by the said Company; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Form of  
Grant of  
Annuity.

‘ **WE**, the *Limerick* Navigation Company, appointed by an Act of  
‘ Parliament made in the Year of the Reign of King  
‘ *George* the Fourth, intituled *An Act* [*here set forth the Title of this*  
‘ *Act*], in consideration of the Sum of Pounds paid  
‘ by of for the Purposes of the  
‘ said Act, do hereby grant unto the said One  
‘ Annuity or yearly Sum of Pounds out of the Tolls and  
‘ Duties payable to the Commissioners by virtue of the said Act,  
‘ which Annuity or yearly Sum of shall be paid to  
‘ the said, his Executors, Administrators, and  
‘ Assigns, during the natural Life of by equal half-  
‘ yearly Payments, upon the Day of and  
‘ Day of in every Year during the natural  
‘ Life of the said, the first Payment thereof to be  
‘ made on the Day of next ensuing the  
‘ Date thereof. In witness whereof We, the said Company, have  
‘ hereunto affixed our Corporate Seal this Day of  
‘ in the Year .’

For prevent-  
ing improvi-  
dent Grants  
of Annuities.

XXII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price and Value of Annuities which may be granted under any Act or Acts from Time to Time in force for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities and Annuities for Terms of Years.

Form of  
Assignment  
of Securities.

XXIII. And be it further enacted, That it shall and may be lawful to and for the Person and Persons entitled to any of the Securities or Annuities aforesaid, and their respective Executors, Administrators, and Assigns, as the Case may be, at any Time, by Writing under their Hands and Seals, to transfer such Securities or Annuities respectively to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following:

‘ **I** being entitled to the Sum of  
‘ or to an Annuity of secured  
‘ to his Executors, Administrators, and Assigns, by  
‘ virtue



‘ virtue of an Assignment or Grant bearing Date the Day  
 ‘ of from the *Limerick* Navigation Company, appointed  
 ‘ by an Act made in the Year of the Reign of His Majesty  
 ‘ King *George* the Fourth, intituled [*here set forth the Title of this*  
 ‘ *Act*], upon the Credit of the Tolls and Duties payable to the said  
 ‘ Commissioners under the said Act, do hereby transfer all my Right,  
 ‘ Title, and Benefit in and to the said Sum or Annuity, and all Interest  
 ‘ or other Money now due and owing thereon, unto  
 ‘ his Executors, Administrators, and Assigns. Dated this  
 ‘ Day of

And every such Assignment shall be good, valid, and effectual in the Law, to all Intents and Purposes.

XXIV. And be it further enacted, That it shall be lawful for the said *Limerick* Navigation Company for the Time being, and they are hereby empowered and required, at or previous to every General Meeting to be held pursuant to this Act for the Purpose of considering of or making or declaring a Dividend or Dividends of the clear Profits of the said Company, to deduct and set apart One Eighth at the least of the said clear Profit and Produce; and the said Company shall forthwith lay out and vest, in the Names of the said *Limerick* Navigation Company, such Part of the said clear Profit and Produce from Time to Time, when the same shall be so deducted and set apart as aforesaid, in such of the Public or Parliamentary Funds or Stocks of *Great Britain* or *Ireland*, or in the Stock of the Bank of *England* or the Bank of *Ireland* respectively, as the said *Limerick* Navigation Company shall in their Discretion deem expedient; and that the Dividends and Interest to become and be due and payable in respect of the said Funds or Stock so set apart and funded as aforesaid, and each and every of them respectively, shall fall into and become a Part of the Profits and Produce of the said Company, and be divisible accordingly: Provided always, that the said *Limerick* Navigation Company shall have full Power and Authority from Time to Time, when and so often as they shall deem expedient, to vary and transpose the Funds or Stock, or any of them, or any Part thereof, in which the said Monies or Funds shall from Time to Time be invested, and also shall and may sell and dispose of all or any Part or Parts of the said Fund or Stock, and convert the same into Money, for the Purpose of answering every or any such extraordinary Contingency or Contingencies as aforesaid, as and when the same or any Part thereof shall by the said *Limerick* Navigation Company be deemed necessary or expedient, any thing herein provided or contained to the contrary notwithstanding; and provided always, that the said One Eighth Share of the Profits so set apart as aforesaid shall be applied by the said *Limerick* Navigation Company in such Improvements as they may think necessary for the said Navigation, and for the repairing and Payment of any extraordinary Contingencies or Accidents which may occur in the said Navigation.

Contingent Fund.

XXV. And be it declared and enacted, That from and immediately after the Execution and Completion of the said proposed Improvement in the said Bridge and Navigation, and when and so soon as the said

When proposed Improvements are com-

[*Local.*]

37 D

Bridge



pleted, the Property to be vested in the Company, under the Superintendence of the Lord Lieutenant.

Bridge and Navigation shall be put into sufficient Order and Repair for the general Purposes of Navigation and Commerce, and of the Ships, Boats, and Vessels navigating the same and trading to the Port of *Limerick*, to the Satisfaction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to be signified to the said Company by the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the said Canal and Navigation, with the Docks, Ground, and other Property, Real, Chattel, or Personal, belonging to the same, shall from thenceforth become the Property of the said *Limerick* Navigation Company, subject to the Superintendence of the Lord Lieutenant of *Ireland*, or other Chief Governor or Governors of *Ireland*; and such Lord Lieutenant or other Chief Governor or Governors is and are hereby authorized, by Warrant under the Hand of his or their Chief Secretary, to direct any Civil Engineer or other Person to visit from Time to Time, and to inspect and report upon, all the said Works, Bridges, and Navigation, and to direct the Execution, by the *Limerick* Navigation Company appointed under this Act, of any Works necessary to uphold the said Canal and Navigation, or any Lock or Bridge thereunto belonging; and every such Engineer or other Person appointed as aforesaid shall have full Power to examine the Books, Papers, and Accounts of the said Navigation Company, in order to frame such Report; and Copies duly attested of the Income and Expenditure of the said Company shall be annually laid before the Lord Lieutenant or other Chief Governor or Governors, and also before the Chamber of Commerce of *Limerick*; but subject nevertheless to the Payment and Satisfaction of all Sums of Money due from, and of all Debts, Charges, and Engagements entered into by, the said Company, and chargeable upon the said Navigation, the Interest thereof, after Payment of the Salaries of Officers and Servants, and the necessary Expences in keeping the said Bridge and Works in repair, and deducting the said One Eighth Share of the Profits as aforesaid, then the Remainder of the Profits of the said Navigation shall be applied annually in manner following; that is to say, in the first place, amongst the Proprietors of the said Principal Sum or Joint Stock of Three thousand Pounds, provided the same shall not exceed an annual Dividend of Ten Pounds *per Centum per Annum* thereon; and in case the said Profits shall amount in any Year to a Sum exceeding the said Dividend of Ten Pounds *per Centum per Annum*, then the Surplus of the said Profits, after Payment of the said Dividend of Ten Pounds *per Centum per Annum*, shall be expended on the Navigation of the said River *Shannon* as aforesaid, and to no other Purpose whatsoever.

If Improvements are neglected by the Company, or not completed in Two Years, the Lord Lieutenant may order the Powers of

XXVI. Provided always, and be it enacted; That in case it shall be made appear from any Report of any Person or Persons who shall be appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to inspect, superintend, and examine the Proceedings of the said *Limerick* Navigation Company, that the Improvement of the said Bridge and Canal shall be wilfully neglected or abandoned by the said Company, so that the Public cannot have the Benefit of the Navigation thereof to the full Extent which is by this Act intended, or in case the said intended Bridge and Canal,



Canal, or other Improvement of the Navigation, shall not be fully completed and made navigable within the Term of Two Years, to be computed from the Time when the said Navigation Company shall receive Possession of the said Canal under the Act, so that all Ships and Vessels trading to the Port of *Limerick* by means of the said Canal or Navigation may pass along the whole Line of such Canal or Navigation to the City of *Limerick*, then and in either of such Cases, at any Time after any such Report shall have been made as aforesaid, or at any Time after the Expiration of the said Term of Two Years, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order and direct that the Powers, Authorities, Rights, and Privileges given by this Act to the said Navigation Company shall cease and determine, and that the said Canal and the Works, and Funds and Tolls, and the Property, Real, Chattel, and Personal, belonging or relating to the same, shall be and become vested in the Directors General of the Inland Navigation for the Time being, or in such other Persons as the Lord Lieutenant or other Chief Governor shall direct, for the Benefit of the Public, in like Manner as the several other Inland Navigations of *Ireland* are vested in the said Directors under or by virtue of the Act of the Fortieth Year of His late Majesty's Reign, herein-before recited; and from and immediately after the Signification of such Order to the said Navigation Company by or from the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, all the Powers and Authorities, Rights and Privileges of the said *Limerick* Navigation Company shall accordingly cease and determine, and the said Canal and Navigation, and all Works, Funds and Tolls, and Property belonging thereto, and all Books, Papers, Plans, Estimates, and Documents in any Way relating to or concerning such Navigation, shall be and become vested in the said Directors of Inland Navigation, or such other Persons to be appointed as aforesaid; and in case such Proceeding shall take place after the Expiration of the said Term of Two Years, and if a Report shall be made to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* by any Person or Persons appointed as aforesaid to inspect and superintend and examine the Proceedings of the said *Limerick* Navigation Company, that the said Navigation Company have not been guilty of any wilful Neglect in or Abandonment of the Improvement of the Navigation of the said Canal, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct and authorize the Payment of any such Sum or Sums of Money as such Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall in his or their Discretion think proper, not exceeding the actual Value of any Improvements made by the said Company in pursuance of this Act in or upon the said Navigation, and which shall be then existing and in use in or upon or relating to the said Canal and the Navigation thereof; and such Sum or Sums of Money shall be paid and distributed for the Benefit of the Members or Proprietors of the said Company, in proportion to the Amount of their several Shares, at such Times and in such Manner as shall be ordered and directed by such Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

this Act to cease, and the Canal to be vested in such Persons as he shall direct;

and if there shall appear nowilful Neglect, Lord Lieutenant may order Payment for the Improvements actually made.



Public Act.

XXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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