



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. xvii.

An Act to alter, amend, and enlarge the Powers of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for supplying the City and Suburbs of Limerick in the County of the City of Limerick with Water.* [22d May 1834.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for supplying the City and Suburbs of Limerick in the County of the City of Limerick with Water*, whereby it was enacted, that certain Persons therein named, together with such other Persons as then had or might thereafter be possessed of One or more Share or Shares in the Capital Stock of the Company as therein-after mentioned, and their Successors, Executors, Administrators, and Assigns, should be and were thereby formed into a Company for making, completing, and maintaining the Works and Conveniences thereby authorized to be made, and should for that Purpose be One Body Politic and Corporate by the Name of "The *Limerick* Waterworks Company;" and it was enacted, that the Capital or Joint Stock of the said Company should consist of the Sum of Fifty thousand Pounds, and that the said Sum should be divided into Shares of Fifty Pounds each; and it was further enacted, that a Committee of Fourteen Persons therein named should be the First Committee,
[Local.] 40 and

and should continue till others were appointed, and should have and exercise such Powers as are therein mentioned : And whereas the several Shares of and in the Capital or Joint Stock of the said Company are now vested in the Persons mentioned in the Schedule hereto annexed, and they have proceeded in the Execution of the Powers and Authorities of the said Act, and have purchased or contracted for the Purchase of Ground, and for the making, erecting, and laying down of a Steam Engine, Tanks, Mains, and Pipes suitable for the adequate Supply of Water to the said City : And whereas many of the present Proprietors of the said Undertaking reside in or near the City of *London* and all of them in *England*, and it would greatly facilitate the Dispatch of Business if other Provisions were made as to the Number and Appointment of the Committee of Management, and as to the Amount of the said Capital or Joint Stock, and the Number of Shares into which the same shall be divided and held, and other Regulations also made in respect thereof ; and it is expedient that several of the Provisions of the said recited Act should be altered and amended, and that further Powers should be given to the said Company ; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament : 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 the said recited Act, and all the Powers, Authorities, Provisions, Regulations, Directions, Restrictions, Limitations, Penalties, Forfeitures, Matters, and Things whatsoever therein contained, shall (so far as the same respectively are applicable to this Act, and are not hereby repealed, varied, altered, or otherwise provided for,) extend and be construed to extend to this Act, and all Matters and Things to be done or which may arise under or by virtue of or with respect to the same, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act.

Powers of recited Act extended to this Act.

Repeal of certain Parts of recited Act.

II. And be it further enacted, That so much of the said recited Act as requires the Capital or Joint Stock of the Company to consist of Fifty thousand Pounds, and to be divided into Shares of Fifty Pounds each, and that the Committee of Management shall consist of Fourteen Persons, and provides for the Continuance in Office and Choice of such Committee, and as directs the Number and Time and Notice of holding General and Special Meetings of the said Company, and also so much of the said Act as authorizes and empowers the said Company to contract and agree with the Owners of and other Persons interested in Lands through which any Spring or Stream of Water passes, for the Purchase of such Spring or Stream of Water, be and the same are hereby repealed.

How Committees are to be appointed.

III. And be it further enacted, That for the better and more convenient Management of the Concerns of the said Company there shall from Time to Time be appointed, in manner herein-after mentioned, a Committee of so many Persons as the Proprietors of the said Undertaking shall think proper and direct and ordain by any Bye Laws or Regulations of the said Company, and such Committee shall have and be entitled to

and

and exercise all the Powers, Privileges, and Authorities given to or vested in the Committee of Management in and by the said recited Act.

IV. And be it further enacted, That there shall be a General Meeting of the said Company on the Tenth Day of *March* in every Year; or within Thirty Days thence next following, and also such and so many Special General Meetings of the said Proprietors as shall be called by the Committee of Management; and all such General and Special Meetings shall be held in the City of *London*, or at such Place or Places as the said Committee of Management shall appoint, and may be adjourned from Time to Time and from Place to Place as shall be found expedient, of which Notice shall be given in manner herein-after directed.

General and
Special
Meetings.

V. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such General or Special Meeting as aforesaid, to make such Rules and Orders as to them shall seem proper for increasing or diminishing the Amount of the Capital Stock of the said Company, so that the same do not in the whole exceed the Sum of Fifty thousand Pounds, and also for fixing and appointing the Number and Amount of the Sums or Shares into which the Capital or Joint Stock of the said Company shall be divided and held, and for regulating, facilitating, or limiting and restraining the Transfer and Sale of the same Shares, and for altering, reducing, or increasing the Number of Persons of whom the Committee of Management shall from Time to Time consist.

For fixing
and regu-
lating Capital
and Shares,
and making
Bye Laws.

VI. And be it further enacted, That the present Committee of Management shall continue in Office till a new Committee shall be appointed, and that the said Company shall, at the First General Meeting under this Act, or at some Adjournment thereof, appoint the Members of and to be the Committee of Management of the said Company for a Year then next ensuing, and until others or another shall be duly elected in their or his Place; and at any and every succeeding General Meeting of the said Company to be holden on the Tenth Day of *March* or within Thirty Days then next following, or at any Adjournment thereof respectively; it shall and may be lawful for the said Company to elect and appoint a new Committee of Management, if they shall see fit, who shall continue in Office for the Space of One Year, or until others or another shall be appointed in their Place, and the Members of any Committee going out of Office, or any of them, may be re-elected.

Appoint-
ment of
Committee.

VII. Provided always, and be it further enacted, That all Notices herein, and also all Notices by the said recited Act directed to be given to the Proprietors of the said Company, shall, from and after the passing of this Act, be given in the Manner herein-after directed, that is to say, by Advertisement to be inserted in some One or more daily Newspaper or Newspapers usually published in the City of *London*, or by Letters from the Clerk of the said Company sent by the Post to or left at the usual Abode of each of the Proprietors respectively, but so nevertheless that all Notices of any General or Special Meeting of the Company be given Six Days previous to any such Meeting.

Notices how
to be given.

VIII. And

For supply-
ing Vacancies
by Death.

VIII. And be it further enacted, That when and so often as any Member of the said Committee of Management to be elected by virtue of this Act shall die, it shall be lawful for the said Committee or the remaining Members thereof to elect some other Person to be a Member of the said Committee in the Place of the Person so dead, and every Person so elected shall be and continue a Member of the said Committee until the next General Meeting, and until another Person shall be elected in his Place.

Officers to
account.

IX. And be it further enacted, That every Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Committee of Management, make out and deliver to the said Committee, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing, under his Hand, of all Monies by him had, collected, or received, and when and from whom, and how and when and to whom, and for what Purpose, the same and every Part thereof have or hath been disposed of, together with Vouchers and Receipts for such Payments; and every such Person shall and he is hereby required to pay all such Monies as shall be owing from him or her to such Person or Persons as the said Committee of Management shall appoint; and if any such Person shall refuse or neglect to render and deliver such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Sum or Sums owing from him as aforesaid, when thereunto required in manner aforesaid, or shall fail to deliver up to the said Committee of Management, or to such Person or Persons as they shall appoint, within Three Days after being thereunto required, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, upon Complaint being made thereof to any Justice of the Peace, such Justice may and he is hereby authorized and required by Warrant under his Hand and Seal to cause such Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account if produced in such Manner as the said Company might have done; and if, upon the Confession of the Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing by such Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Person; and if no Goods and Chattels shall be found sufficient to satisfy the said Monies, and the Charges of taking and making such Distress and of selling the same, or if such Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if he shall appear and refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required by Warrant under his Hand to commit such Person to the Common Gaol or House of

Manner of
proceeding
in case of
Default.

of Correction, there to remain without Bail or Mainprize until he or she shall have delivered up the said Books, Papers, and Writings, and the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made; or until he or she shall have compounded with the said Company for such Money and Charges, and paid the Composition Money to the said Company (which Composition the said Company are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings, Vouchers and Receipts as aforesaid, or have given Satisfaction in respect thereof to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

X. And be it further enacted, That if any Person who shall contract with the said Company, or otherwise agree to take, or shall have or enjoy, Water supplied by the said Company in his or their House or other Building, shall neglect or refuse for the Space of Ten Days after Demand thereof made by the said Company or by any Person under their Authority, to pay the Sum or Sums then due for the same to the said Company, it shall be lawful for the said Company to cut and turn off the Water supplied to and for such Persons, and also for the said Company, or their Clerk, Collector or Collectors, or any Person acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the City, County, or Place where the Defaulter shall reside, to levy the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, returning the Surplus (if any) to the Owner or Owners of such Goods or Chattels, after the necessary Charges of making such Distress and Sale shall have first been deducted.

Company may cut off Supply, and recover by Distress Sums due for Water.

XI. And be it further enacted, That all and every the Pipes and other Conduits laid or used or to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Road, Lane, or other public Passage or Place in or near the City of *Limerick*, or the Suburbs thereof, or the Places adjacent thereto, shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof at the Distance of Four Feet at least, from the nearest Part of any Water Pipe already laid down or hereafter to be laid down by or by the Order of the said Company for the Conveyance of Water in, under, through, along, across, or round any of the Streets, Roads, Lanes, or other public Passages or Places, except where it shall be unavoidably necessary to lay the Pipes for the Conveyance of Gas across any Water Pipes, in which Cases the said Pipes for the Conveyance of Gas shall be laid over and above such Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases the said Pipes for the Conveyance of Gas so crossing the said Water Pipes shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Three Feet at the least; and in laying down the said Gas

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

[Local.]

4 P

Pipes

Pipes the Body Politic or Corporate, Contractor or Contractors, Person or Persons, to whom the same shall belong, shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the jointing with the other Pipes to be added thereto with proper and sufficient Materials, and also make and keep all and every such Pipes, and all Pipes communicating or connected therewith, and all the Screws, Joints, Sockets, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom or from any Part thereof, upon pain of forfeiting for every such Offence the Sum of Five Pounds, to be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

For preventing the Escape of Gas.

XII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be placed, laid down, or set up by any Body Politic or Corporate, Contractor or Contractors, or other Person or Persons as aforesaid, then and in every such Case they or he shall, at their or his own Expence, immediately after receiving Notice by Parol or in Writing, to be left or given at their or his Office or usual Place of transacting Business, from the Clerk to the said Company; or any Inhabitant or Resident in or near the City of *Limerick*, or the Suburbs thereof, or the Places adjacent thereto, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from so escaping; and in case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice by Parol or in Writing being given in manner last aforesaid of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the same Body Politic or Corporate, Contractor or Contractors, or other Person or Persons, shall for every such Offence forfeit and pay the Sum of Ten Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice as aforesaid during which the Gas shall be suffered to escape as aforesaid.

Penalty for conveying Washings of Gas into any River, Creek, Stream, &c.

XIII. And be it further enacted, That if any Body Politic or Corporate, Contractor or Contractors, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed in or near the City of *Limerick*, or the Suburbs thereof, or the Places adjacent thereto, for lighting any Street, Road, Lane, or other public Passage or Place, or any House, Manufactory, or Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings, or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in or by the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Creek, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or other Thing to the Water contained in such River, Creek, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Springhead,

head, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in each and every such Case such Body Politic or Corporate, Contractor or Contractors, or other Person or Persons, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Privilege shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same shall be sued for within Twelve Calendar Months from the Time such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased or determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Creek, Brook, or running Stream, Canal or Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, and they and he shall not within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid stop up, hinder, or prevent all and every such Washings, waste Liquids, noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, Matter, or Thing from being done as aforesaid, then and in every such Case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and [the like Manner as any Penalty or Forfeiture is in and by the said recited Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by such Act so done or committed.

XIV. And be it further enacted, That whenever the Water of the said Company shall be contaminated, tainted, or affected by the Gas of any Body Politic or Corporate, Contractor or Contractors, or Person or Persons making, furnishing, or supplying Gas as aforesaid, such Body Politic or Corporate, Contractor or Contractors, or Person or Persons so offending, shall forfeit and pay for every such Offence a Sum not exceeding

To prevent
Contamina-
tion of
Water.

ing

ing Twenty Pounds, to be levied and recovered in such and the like Manner as any Penalty or Forfeiture is in and by the said recited Act directed to be levied and recovered, and shall be applied to and for the Use and Benefit of the said Company; and in case any such Water shall be contaminated or affected by Gas in any Way whatever, then and in every such Case the Body Politic or Corporate, Contractor or Contractors, or Person or Persons making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk or some Agent or Officer of the said Company, to be left at the Office or usual Place of transacting Business of the Body Politic or Corporate, Contractor or Contractors, or Person or Persons so offending, cause the most speedy and effectual Measures to be taken effectually to stop and prevent Gas from escaping from the Works, Mains, or Pipes, or contaminating or affecting such Water; and in case any such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, shall not, within Twenty-four Hours after each and every such Notice so left as last aforesaid, effectually stop and prevent Gas from escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Body Politic or Corporate, Contractor or Contractors, or Person or Persons making, furnishing, or supplying such Gas, shall, on each and every such Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Clerk or other Agent or Officer of the said Company, for the Use and Benefit of the same Company, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by such Gas; and in default of Payment thereof as aforesaid such Penalty and Penalties shall and may be recovered by Information, to be exhibited on the Oath or Affirmation of Two credible Witnesses by and in the Name of the Clerk or other Agent or Officer of the said Company, in the same Manner as any Penalty or Forfeiture is in and by the said recited Act directed to be levied and recovered; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Clerk or other Agent or Officer of the said Company for the Use and Benefit of the said Company.

For ascer-
taining if
the Water
is contami-
nated.

XV. And whereas it may become a Question, on such Complaint as aforesaid, whether the said Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall be lawful for the said Company to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of any Body Politic or Corporate, Contractor or Contractors, or Person or Persons making, furnishing, or supplying such Gas, for the Purpose of ascertaining whether such Contamination proceeds from or is occasioned by the Gas of such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, whose Mains, Pipes, Conduits, and Apparatus, or any of them, are so dug to or examined; and if it shall appear that the said Water has been contaminated by any Escape of such last-mentioned Gas the Charges and Expences of the said Digging, Search, Examination, and Repair of the Pavement of the Street, Road, Lane, or other public Passage or Place which shall be taken up or disturbed shall be borne and paid by the said last-mentioned
Body

Body Politic or Corporate, Contractor or Contractors, or Person or Persons as aforesaid; which Charges and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace, and be recovered in such and the like Manner as any Penalty or Forfeiture is in and by the said recited Act directed to be levied and recovered: Provided always, that if upon upon Examination it shall appear that such Contamination has not arisen from the Escape of Gas from any of the Mains, Pipes, Conduits, or Apparatus so dug to or examined as aforesaid, then and in every such Case the said Company shall bear and pay all the Charges and Expences of such Digging, Search, Examination, and Repair, and shall also make good to the same Body Politic or Corporate, Contractor or Contractors, or Person or Persons, whose Mains, Pipes, Conduits, or Apparatus, or any of them, are so dug to, searched, and examined, all Loss, Injury, or Damage which may be thereby occasioned to them in and by such Digging, Search, and Examination, and also to the Pavements of the said Streets, Roads, Lanes, and other public Passages and Places so broken up or disturbed in such Search or Examination; and the Amount of such respective Loss, Injury, or Damage shall be ascertained and determined by some Justice of the Peace as aforesaid.

XVI. And be it further enacted, That the Time for making and completing the Works by the said recited Act authorized to be made shall be extended and enlarged, and the several Powers by the said Act given to or conferred upon the said Company for such Purpose shall be and the same is hereby continued for the further Space of One Year, to be computed from the Expiration of the Time limited by the said recited Act.

Extending
the Time for
completing
the Works
One Year.

XVII. 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.

Public Act.

SCHEDULE.

Isaac Nicholson	-	-	-	84 Shares.
Thomas Adlington	-	-	-	84
Henry Birkbeck	-	-	-	83
Thomas Fussell	-	-	-	83
Philip Gowan	-	-	-	84
John S. Gregory	-	-	-	83
William Hichens	-	-	-	84
Robert Hichens	-	-	-	83
William Key	-	-	-	83
George Marx	-	-	-	83
George Faulkner	-	-	-	83
John Pearson	-	-	-	83

1,000 Shares.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.