CHAPTER clx.

An Act to give effect to the purchase by the Corporation of Limerick of the undertaking of the Limerick Gas Company; to enable the Corporation to borrow money and to levy rates; and for other purposes. [4th July 1878.] A.D. 1878.

WHEREAS by the Limerick Improvement Act, 1853, (in this Act called the Act of 1853,) after reciting (inter alia) it was expedient the lighting of the borough of Limerick (herein-after called "the borough") should be placed under the control and management of the mayor, aldermen, and burgesses thereof (herein-after called "the Corporation"), certain powers were conferred upon the Corporation having reference (among other things) to the lighting of the borough with gas, under which the Corporation acquired and are now in possession of gasworks, and are supplying gas within the borough: 16 & 17 Vict. c. cxciv.

And whereas by the Limerick Gas Act, 1877, (in this Act called the "Act of 1877,") the United General Gaslight Company were dissolved, and a new company was incorporated by the name of the Limerick Gas Company (herein-after called "the Company"), and the gas undertaking of the dissolved company was vested in the Company, and they were authorised to maintain and continue the same, to acquire additional lands, and to make and supply gas within the limits of the Act: 40 & 41 Vict. c. ccxxxvi.

And whereas by an agreement of the eleventh day of July one thousand eight hundred and seventy-seven made between the Company (by their then style of "The United General Gaslight Company") and the Corporation, and a further agreement of the twelfth day of October one thousand eight hundred and seventy-seven made between the same parties, it was agreed (inter alia) that, if the Corporation should within the time thereby limited obtain the necessary powers, the Company should sell to the Corporation and

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the Corporation should buy the Company's works and undertaking in manner therein mentioned:

And whereas the lands upon which the Corporation and the Company have power to manufacture gas or residual products are described in the Second Schedule hereto:

And whereas the Company do not owe any money on mortgage, and there are not any debts charged upon their undertaking:

And whereas the moneys which the Corporation under the Act of 1853 were authorised to raise and expend in connexion with the gasworks and gas supply have been raised and expended, and the Corporation have, in addition thereto, borrowed and expended on their gas undertaking further moneys, and it is therefore expedient that the Corporation should be authorised to raise and expend, in the manner provided by and subject to the conditions contained in this Act, such sums as may be necessary to enable the Corporation to complete the said purchase, to pay off the said further moneys so borrowed as aforesaid, and for other the purposes of this Act:

And whereas it is expedient that all the powers and authorities of the Corporation with relation to their gas undertaking and the supply of gas should be consolidated and contained in one Act, and should be simplified and amended in manner by this Act provided, and that such other powers and authorities with relation to such undertaking and supply and otherwise as are in this Act contained should be conferred:

And whereas an estimate has been prepared by the Corporation for the purchase of the undertaking, rights, powers, and privileges of the Company, for the extension and improvement of the works of the Company and of the Corporation, and for the other purposes of this Act, and such estimate amounts to the sum of fifty-four thousand pounds:

And whereas the Bill for this Act has received the sanction and approval of the Local Government Board of Ireland:

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 for all purposes as the Limerick Corporation Gas Act, 1878.

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Interpretation of terms.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

"The borough" shall mean the municipal borough of Limerick:

"The Corporation" shall mean the mayor, aldermen, and burgesses of the borough:

"The council" shall mean the council of the borough:

"The town clerk," "the treasurer," and "the surveyor" shall mean respectively the town clerk, the treasurer, and the surveyor for the time being of the borough:

"The improvement fund" and "improvement rate" shall mean respectively the improvement fund and the improvement rate of the borough authorised by the Act of 1853:

3 & 4 Vict. c. 108.

"The Municipal Corporation Acts" shall mean the Act of the session of the third and fourth years of Her present Majesty, "for the regulation of municipal Corporations in Ireland," and the Acts amending the same or otherwise relating to municipal Corporations in Ireland:

"The Company" shall mean the Limerick Gas Company:

"The gas undertaking of the Company" shall mean the works and undertaking of the Company, and all the estate and interest of the Company in their lands acquired or to be acquired under the Act of 1877, fixed plant and machinery, mains, services, distributory apparatus, and goodwill:

"The existing gas undertaking of the Corporation" shall mean the gas undertaking of the Corporation acquired under and by virtue of the powers of the Act of 1853:

"The general undertaking" shall mean the gas undertaking of the Company, and the existing gas undertaking of the Corporation:

"The limits of supply" shall mean the limits of supply prescribed by section 5 of the Act of 1877:

Terms to which meanings are assigned in enactments wholly or partially incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Execution of Act by Corporation.

3. This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation, acting by the council, and according to the Municipal Corporation Acts, the Act of 1853, and other laws for the time being affecting the Corporation, and with all the authorities conferred by those Acts and laws on the

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Corporation, and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporation Acts, the Act of 1853, and such other laws as aforesaid, and as nearly as may be in all respects as if the powers, duties, and property vested in and imposed on or enjoyed by them by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts, the Act of 1853, and such other laws as aforesaid, save so far as in this Act provided for the management of the general undertaking by a gas committee representing the council and the general body of gas consumers of the borough, and constituted in accordance with the provisions hereinafter contained.

Transfer of Company's gas undertaking.

4. The following provisions for carrying the recited agreements into effect shall apply:

(1.) On payment by the Corporation to the Company of the sum of twenty-six thousand pounds in cash, and of the other sums herein-after specified, in accordance with the provisions herein-after contained, there shall be transferred to and vested in the Corporation the gas undertaking of the Company, and the stock of coals, coke, tar, and ammoniacal liquor, fire goods, general stores, and other stock in trade, and all consumers meters, fixed or unfixed, belonging to the Company:

(2.) The Corporation shall pay to the Company as the price of the said stock of coals, coke, tar, and ammoniacal liquor, fire goods, general stores, and other stock in trade, and meters, a sum of money equal to the value thereof as parts of a going concern, and such value, unless agreed between them, shall be determined by Robert Paulson Spice on behalf of the Corporation, and George Robert Stevenson on behalf of the Company, or, in the event of the death or inability to act of them or either of them, by other independent and competent valuers or valuer, as the case may be, appointed by the Corporation and the Company, or either of them, as the case may be, or by an umpire to be appointed by the said valuers before proceeding with or entering upon the valuation. The valuation shall be made as nearly as may be before the transfer:

(3.) The Corporation shall also pay to the Company at the date of the transfer herein-after defined such sums, not exceeding in the whole two thousand one hundred pounds,

as shall have been paid by the Company on account of contracts or liabilities existing at the passing of the Act of 1877 for a new washer, purifier, enlargement of gas-holder, or other matter chargeable to capital account, together with interest thereon at 5 per centum per annum from the dates of payment of such sums respectively by the Company:

(4.) The transfer shall take effect and shall only take effect on the payment to the Company of the said sum of twenty-six thousand pounds, together with the sums payable in respect of the valuation, contracts, liabilities, and interest as aforesaid, on or before the first day of January one thousand eight hundred and eighty: Provided always, that the Corporation shall be at liberty to fix the date of the transfer at the expiration of any half year previous to or on the said first day of January one thousand eight hundred and eighty, on giving three months previous notice in writing of their readiness to do so to the Company:

(5.) Until the transfer the Company shall be at liberty to carry on their undertaking (subject as next herein-after mentioned), and to retain any profits thereof for their own benefit:

(6.) The Company shall until the transfer maintain their undertaking as a whole in and up to the same standard of efficiency as that heretofore maintained by the Company up to the 12th day of October 1877:

(7.) All book debts, cash in hand, and investments of the Company at the time of the transfer shall, unless otherwise agreed, be excepted from the purchase, and remain the property of the Company:

(8.) The Company shall not (without the previous consent of the Corporation, which consent shall not be unreasonably withheld) enter into any contract which shall be or become binding on the Corporation for any amount greater than ten pounds, or except in the usual course of business for the supply of gas at the ordinary price:

(9.) The Corporation shall at all times after the transfer indemnify and keep indemnified the Company and their trustees and officers from all liabilities and obligations which shall at any time subsist or arise, under or from any contract which shall at the date thereof be subsisting, affecting or concerning any of the matters or things purchased by the Corporation under this Act:

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(10.) If the purchase and transfer of the undertaking and property of the Company be not completed in accordance with this Act on or before the 1st day of January 1880, then the recited agreements of the 11th day of July and 12th day of October 1877, and all the provisions of this Act, shall be absolutely void and of no effect, except that any costs incurred by the Company in consequence of anything contained in the said agreement of the 11th day of July 1877 shall be paid to the Company by the Corporation, and may, in default, be recovered by the Company from the Corporation in any court of competent jurisdiction.

Transfer of gas undertaking to be by deed.

5. On the execution by the Company of a deed of conveyance to the Corporation of their undertaking, duly stamped, and truly stating the consideration (which deed may be in the form set forth in the First Schedule to this Act or to the like effect), and upon payment by the Corporation, at the transfer, of the said several sums in manner aforesaid to the Company, the gas undertaking of the Company, and their stock of coals, coke, tar, and ammoniacal liquor, fire goods, general stores, and other stock in trade, and all consumers meters, fixed and unfixed, belonging to the Company, shall become and shall thenceforth be, by virtue of this Act, transferred to and vested in the Corporation for all the estate and interest of the Company therein, and subject to all contracts and obligations of the Company affecting the same (and the date of the execution of such deed is herein-after referred to as "the transfer").

Receipt of directors a sufficient discharge.

6. The receipt in writing of the directors of the Company, or of any three of such directors respectively, for the purchase money to be paid to them by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being answerable or accountable for the loss, misapplication, or non-application thereof.

Deeds, &c. of Company transferred to Corporation.

7. At the transfer, all deeds and documents of title of the Company relating to the gas undertaking of the Company as in this Act defined, and in the possession of the Company, shall be transferred to the Corporation: Provided always, that the Company or any person on their behalf shall have free access thereto, at all reasonable times, for the purpose of inspecting, copying, or making extracts from the same.

Company to wind up affairs.

8. As soon as conveniently may be after the transfer the directors of the Company shall proceed to wind up the affairs of the Company.

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Method of winding up.

9. The directors may and shall, with all convenient despatch after the transfer, sell, dispose of, or convert into money all property and securities of the Company (other than the gas undertaking of the Company and the other matters and things agreed to be transferred to the Corporation), and they shall, out of the moneys paid to them by the Corporation or to arise as aforesaid, in the first instance pay or discharge, as between themselves and the Corporation, all their debts and liabilities other than the liabilities and obligations hereinbefore referred to in sub-section nine of section four, and, after providing for the costs and expenses of and incidental to the winding up of the affairs of the Company, distribute and pay the remainder of such money to and amongst the several persons who shall then be the registered holders of stock or shares of the Company, or to the respective executors, administrators, successors, or assigns of such persons, in proportion to the stock or shares in the capital of the Company held by them respectively as aforesaid.

Books to be evidence as to shareholders.

10. The persons who shall appear on the books of the Company to be proprietors of stock or shares in the capital of the Company at the time of the transfer shall, unless the contrary is proved to the satisfaction of the directors of the Company, be considered to be stockholders or shareholders of the Company for the purpose of the distribution of the Company's assets.

As to compensation to officers not retained by the Corporation.

11. At the extraordinary meeting of the Company held last before the final distribution of the Company's assets, it shall be lawful for the Company by resolution to declare that a sum not exceeding two thousand pounds shall be applied in making compensation to any officer or servant of the Company who, by reason of the dissolution of the Company, shall be wholly or in part removed from office or service, or in making any grant or compensation to any person who at the time of the transfer is in receipt of any pension or allowance from the Company. And the directors of the Company shall apply such sum accordingly in manner directed by the said resolution.

Company to be dissolved.

12. When and as soon as the debts and liabilities of the Company, other than those by this Act transferred to the Corporation, have been fully paid and satisfied, and the assets of the Company shall have been distributed in manner aforesaid, and their affairs wound up, the Company shall by virtue of this Act be dissolved.

Contracts &c. of the Company to be binding.

13. Except as by this Act otherwise expressly provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, agreements, and notices entered into, made, or given before the transfer in relation to the gas undertaking of the Company by,

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to, or with the Company, or by, to, or with any person acting on their behalf, and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Corporation, and may be enforced as fully and effectually as if, instead of the Company or the person acting on behalf of the Company, the Corporation had been parties thereto.

Actions, &c. not to abate.

14. Subject to the provisions of the next following section, nothing in this Act contained shall release, discharge, or suspend any action or other proceeding which was pending by or against the Company in relation to the gas undertaking of the Company, or to which the Company in relation to such gas undertaking were parties immediately before the transfer, but such action or other proceeding may, if it relate to the said gas undertaking, be maintained, prosecuted, or continued by or in favour of or against the Corporation (as the case may be), in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the Company, if the transfer had not taken place.

Recovery of gas rents.

15. All gas rents and sums of money which immediately before the transfer shall be due to the Company shall be payable to and collected and recovered by the Company as if the transfer had not taken place: Provided that it shall be lawful for the Company and the Corporation, under their respective seals, to enter into and carry into effect an agreement for the assignment of all such rents and sums, or any of them, to the Corporation in consideration of a sum in gross paid to the Company by the Corporation, and after such payment the rents and sums of money thereby assigned to the Corporation by such agreement shall be payable to and recoverable by them.

Receipt of representatives of shareholders.

16. For the purpose of such winding up the receipt of the guardian or committee of the estate of any stockholder or shareholder in the Company who may be an infant, idiot, or lunatic shall be an effectual discharge to the Company and to the directors thereof for so much moneys as in such receipt shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the stock or shares in respect of which such money shall be paid.

Payment into court by Company.

17. If at the expiration of twelve months from the date of the transfer any moneys which ought to be paid to the stockholder or shareholders of the Company shall remain in the hands of the directors thereof, either by reason of the absence from Great Britain or incapacity of any shareholder, or of his executors, administrators,

or assigns, or on account of his residence or place of abode not having been ascertained by the Company after reasonable inquiry, or on account of the Company being in doubt as to the true legal ownership of any stock or shares, or of any money distributable under this Act, or as to the sufficiency of any acquittance or discharge proposed to be given to them in respect thereof, or on account of any other reasonable cause, the directors may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees, previously deducting therefrom the costs of and incidental to such payment into Court, such costs to be ascertained by one of the taxing masters of the said Court.

As to payment of debts owing to Company.

18. All persons who immediately before the transfer shall owe to the Company, or to any person on their behalf, any money other than any gas rents and sums of money (if any) which may, under the provisions of this Act, be assigned to the Corporation, shall pay the same, with all interest (if any) due or accruing upon the same to the Company, and all debts and moneys which immediately before the transfer shall be due or recoverable from the Company, or for the payment of which the Company shall or would then be liable, other than such debts, liabilities, or rents as are or may be by virtue of this Act transferred to the Corporation, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

Documents, &c. continued as evidence.

19. All deeds and documents of title which, if the transfer had not been made, would have been evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

I.—Maintenance of Gasworks.—Supply of Gas.

Provisions of this Act to apply to undertaking.

20. From and after the transfer the gas undertaking of the Company and the existing gas undertaking of the Corporation shall for all purposes be deemed to have been amalgamated, and the following provisions of this Act shall apply to the general undertaking in the hands of the Corporation.

Incorporation of 10 & 11 Vict. c. 15, and 34 & 35 Vict. c. 41.

21. The Gasworks Clauses Act, 1847, (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit,) and the Gasworks Clauses Act, 1871, so far as the same respectively are applicable to the purposes of and not inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act, and the same shall apply to the general undertaking as if the

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same had been authorised by this Act, and shall apply as well to the mains, pipes, and works laid down or constructed before the transfer, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Act; and in construing the said Acts of 1847 and 1871 the expression "the undertakers" used therein shall mean the Corporation, and any provision of those Acts requiring notice before the opening or breaking up by the undertakers of a street, highway, sewer, or drain shall not apply where the street, highway, sewer, or drain is under the control or management of the Corporation.

Corporation may maintain, &c. existing gasworks.

22. Subject to the provisions of this Act the Corporation may, upon the lands upon which the same have been erected, continue and maintain the existing gasworks and works connected therewith, that is to say, the gasworks of the Company when transferred as aforesaid, and the gasworks of the Corporation, and they may from time to time, upon such lands and upon any lands which they may acquire under the transfer, extend, enlarge, alter, improve, discontinue, and renew such gasworks, buildings, retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom, and they may lay down, maintain, continue, or alter and discontinue such mains, pipes, works, and apparatus as may be necessary or convenient for the supply of gas under this Act, and they may, subject to the provisions of this Act, make gas and supply and sell the same within the limits of supply, and may continue to manufacture coke, coal, tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Gas not to be manufactured, &c. except on scheduled lands.

23. From and after the transfer it shall not be lawful for the Corporation to manufacture or store gas except on the lands described in the Second Schedule to this Act.

Power to lay pipes against buildings.

24. The Corporation, with the consent of the owner and occupier of any building, may lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

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Power to hold licenses under patents.

25. The Corporation may take and hold any license or authority under any letters patent to use any invention relative to the manufacture or distribution of gas, or the utilisation of the residual products arising in the manufacture of gas, but they shall not acquire by any such license or authority any right or privilege in any respect of an exclusive character.

Quality of gas.

26. The quality of gas supplied by the Corporation shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

34 & 35 Vict. c. 41.

Limiting price of gas.

27. The price to be charged by the Corporation for gas supplied by them to consumers shall not exceed five shillings for every thousand cubic feet consumed in the borough, or six shillings for every thousand cubic feet consumed elsewhere within the limits of supply, and so in proportion for any smaller quantity consumed, and the price to be so charged shall be the same to all consumers, and shall include the hire or rent of one meter.

Pressure of gas.

28. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying each consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Act, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

34 & 35 Vict. c. 41.

Testing place.

29. The Corporation, within six months after the transfer, shall cause to be provided at their works a testing place with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing the gas shall be a Sugg's London Argand Burner, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass, a six-inch by two-inch chimney shall be used.

34 & 35 Vict. c. 41.

Burner.

Corporation to pay interest on security.

30. Where any money is deposited by any person by way of security with the Corporation for the payment to them of all

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moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Corporation shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

As to proceedings on behalf of Corporation.

31. If any person against whom the Corporation have any claim or demand under this Act for gas rents or otherwise becomes bankrupt, or enters into any liquidation by arrangement or composition with creditors, any person appointed for that purpose by the Corporation may represent the Corporation and act in their behalf in all respects as if the claim or demand of the Corporation were the claim and demand of such person and not of the Corporation.

Certain powers of Act of 1877 not to apply to Corporation.

32. From and after the transfer the Corporation may at any time (if they think fit) exercise in relation to the general undertaking any rights, remedies, or powers in relation to gas supply conferred by the Act of 1877 upon the Company, or powers similar thereto which are not inconsistent with the provisions of this Act; but no provisions of the Act of 1877 relating to the constitution or capital, or the dividends, or the application of the profits of the Company, shall be applicable to the Corporation or to the general undertaking.

Compensation to secretary of Company for loss of office.

33. As compensation for the loss of the emoluments of his office, the Corporation shall pay to Daniel William Ogg, the secretary of the Company, during his life, an annuity of fifty pounds per annum, payable half-yearly without any deduction except for property tax, and the first payment thereof shall be made at the end of six months after the transfer, and the said annuity shall be deemed to be charged upon and payable out of the revenue of the gas undertaking of the Company as transferred to the Corporation, and out of the rates leviable by the Corporation, and may be recovered as if the same were interest in arrear upon a mortgage of the said revenues and rates duly granted to the said Daniel William Ogg by the Corporation: Provided that the Corporation may at any time, by agreement with the said Daniel William Ogg, extinguish the said annuity by payment to him of an equivalent sum in cash.

II.—Financial.

Providing for costs of execution of Act.

34. The cost of the purchase of the gas undertaking of the Company, and all costs, charges, and expenses incurred by the Corporation in relation to such purchase or with respect to the general undertaking under this Act, shall be charged on the gas

revenues of the Corporation and the improvement fund and improvement rate. A.D. 1878.

Power to borrow.

35. The Corporation may from time to time borrow at interest (not exceeding the rate of five pounds per centum per annum) such moneys as they may think requisite for the purposes of this Act, to an amount not exceeding in the aggregate fifty-four thousand pounds.

III.—Mortgages.

Power to mortgage. 10 & 11 Vict. c. 16.

36. For securing the repayment of moneys borrowed under the authority of this Act for any of the purposes of this Act, the Corporation may mortgage the gas revenues and the improvement fund and improvement rate, and the provisions of the Commissioners Clauses Act, 1847, with respect to mortgages to be executed by the Commissioners shall apply to the mortgages to be executed by the Corporation, except where such provisions are herein-after expressly altered or varied, and in construing that Act the term "the Commissioners" used therein shall mean the Corporation.

Form of mortgage.

37. Every mortgage shall be by deed, duly stamped and truly stating the consideration, and may be in the form in the Third Schedule to this Act annexed, or to the like effect:

Corporation may issue coupons for interest on mortgages.

(1.) The Corporation may from time to time, if they think fit, issue to holders of their mortgages coupons for the interest from time to time to fall due thereon in such form as the Corporation think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half year's interest to fall due on the principal money secured by the mortgage, and be authenticated by the signatures of two persons thereunto expressly authorised by the Corporation (which authorisation shall be presumed until the contrary is shown), and on presentation to the treasurer of a coupon he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable, and on audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the treasurer shall not be bound to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf:

Money borrowed on mortgage may be re-

(2.) All moneys borrowed or re-borrowed by the Corporation by mortgage under the authority of this Act may be borrowed and re-borrowed for any term not exceeding fifty years,

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paid by instalments.

and shall be repaid by yearly or half-yearly instalments, or by means of a sinking fund: Provided that, when the payment shall not be made by equal instalments, the instalment or instalments payable in each year, together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part, shall in every year amount to the same sum:

Sinking fund for payment of money borrowed on mortgage.

(3.) The amount to be appropriated and set apart every year by the Corporation as a sinking fund for the repayment of moneys borrowed on mortgage under this Act out of the revenues, fund, or rate upon the security of which such moneys have been borrowed shall be not less than one-fiftieth part of the money so borrowed, and until the expiration of four years from the passing of this Act it shall not be obligatory on the Corporation to set apart any money as a sinking fund:

Investment of sinking fund.

(4.) The sum set apart for the said sinking fund and the interest thereon shall be invested on Government or real securities, or in paying off mortgages granted under the provisions of this Act:

Annual return to Local Government Board with respect to sinking fund in respect of moneys borrowed on mortgage.

(5.) The town clerk shall, within twenty-one days after the first day of January of each year during which any sum is required to be set apart for a sinking fund, or to be paid as an instalment in respect of moneys borrowed on mortgage under this Act, transmit to the Local Government Board for Ireland a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of such securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such town clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart

for that fund to any purposes other than those authorised by this Act, the said Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the said Local Government Board out of Her Majesty's High Court of Justice in Ireland:

Power to mortgagees to appoint a receiver.

(6.) The mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal, or principal and interest, 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 be not less than one thousand pounds:

Power to re-borrow.

(7.) If the Corporation pay off any part of any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund, they may re-borrow the same, and so from time to time: Provided always, that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid:

Protection of lenders from inquiry.

(8.) A person lending money to the Corporation secured by mortgage shall not be bound or entitled to inquire as to observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application of the money lent or of any part thereof.

Transfer of mortgages.

38. With respect to transfers of mortgages made under this Act, the following provisions shall take effect; (namely,)

(1.) Any person entitled to a mortgage may transfer his interest to any other person by deed duly stamped and duly stating the consideration, and such transfer may be in the form in the Fourth Schedule to this Act annexed, or to the like effect:

(2.) Within thirty days after the date of every such deed of transfer it shall be produced to the town clerk, who shall cause an entry thereof to be made in a register of transfers of mortgages on payment of a sum not exceeding five shillings, and after such entry every such transfer shall entitle the transferee, his representatives and assigns, to the full benefit of the original mortgage in all respects (including the power of transfer), and any person having

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made such a transfer shall not have power to release or discharge the mortgage transferred or any money thereby secured.

Application of moneys borrowed.

39. All moneys from time to time borrowed under this Act shall be applied by the Corporation to the following purposes:

Firstly. In payment of the costs, charges, and expenses preliminary to, of, and incidental to the application for and the preparing, applying for, obtaining, and passing of this Act, or otherwise in relation thereto, and in recouping to the improvement fund the sum or sums paid or to be paid thereout for the costs, charges, and expenses properly incurred by the Corporation in opposing in Parliament the Bill for the Act of 1877:

Secondly. In payment of the purchase money of and of the costs, charges, and expenses of and incident to the purchase by the Corporation of the gas undertaking of the Company:

Thirdly. In paying off any sum or sums (not exceeding, however, the sum of fourteen thousand pounds) borrowed from the National Bank by the Corporation and expended on their gasworks, together with all interest thereon:

Fourthly. In payment of the costs and expenses of altering, improving, extending, and enlarging the gasworks and works connected therewith forming part of the general undertaking.

Application of revenue.

40. All moneys from time to time received by the Corporation by way of revenue under this Act in respect of the general undertaking shall be applied for the following purposes:

Firstly. In payment of the establishment charges; that is to say, of the expenses properly chargeable to revenue of establishing, conducting, managing, and maintaining the gasworks and works connected therewith respectively:

Secondly. In payment of interest on moneys borrowed under the authority of this Act, and from time to time owing:

Thirdly. In repayment of moneys borrowed under the authority and subject to the provisions of this Act:

Fourthly. In providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing and accumulating the same at compound interest until the fund so formed amounts to seven thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from the general undertaking, or to

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meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of seven thousand pounds, and so from time to time as often as such reduction happens:

and shall carry to the improvement fund any balance remaining in any year and the annual proceeds of the reserve fund when amounting to seven thousand pounds.

IV.—Repeal of Enactments.

Repeal of 40 & 41 Vict. c. ccxxxvi.

41. From and after the dissolution of the Company as provided by this Act, the Act of 1877 shall be and the same is hereby repealed.

V.—Appointment of Gas Committee.

Management vested in Gas Committee.

42. From and after the transfer, the supervision and management of the general undertaking, and of the manufacture and supply of gas and coke and of residual products, and of the mains, stores, apparatus, meters, and other stock in trade connected therewith, and the fixing and regulating the prices and charges therefor respectively, and also the appointment and removal of officers and servants, and the fixing of their salaries and wages, shall be vested in the committee of five persons constituted by this Act and to be called "the Gas Committee," who shall exercise all such powers of supervision and management on behalf of the council and on behalf of the general body of gas consumers as may be necessary for the effectual and beneficial working of the general undertaking: Provided that, so long as the council shall continue in his present position William Spillane as gas manager, he shall not be removed by the Gas Committee, and he shall be associated with such Gas Committee and have the like power and authority in all respects as if he were or had been nominated or elected a member thereof in accordance with the provisions of this Act; provided further, that the presence or acting of the said William Spillane upon the Gas Committee shall not prejudice or affect the right of the council to nominate the full number of two members to represent them, together with the mayor for the time being, upon the Gas Committee as herein-after mentioned.

Gas Committee not to be paid for their services.

43. No member of the Gas Committee shall receive or be paid any money or other consideration for becoming a member of or acting on such committee, but this enactment shall be without prejudice to the right of the said William Spillane to be paid for

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his services so long as he may be continued by the council in such office as aforesaid.

Constitution of Gas Committee.

44. Subject to the foregoing provisions, the Gas Committee shall at all times consist of five members; (namely,)

The mayor for the time being, and two members chosen by and from among the council (and which two members are herein-after referred to as "the nominated members"); and

Two members chosen by and from among the consumers of gas within the limits of supply (and herein-after referred to as "the elected members");

and the mayor, and four members nominated and elected in accordance with the provisions of this Act, and their successors, shall form and be the Gas Committee.

Appointment of nominated members.

45. The council shall be at liberty and they are hereby authorised and required annually to nominate two members of the council to represent, together with the mayor for the time being as aforesaid, the Corporation on the Gas Committee, in like manner as ordinary appointments of committees by the council are made, and the first nomination of such two members shall be made within two months after the passing of this Act.

Casual vacancies among nominated members.

46. In case of the death, resignation, or removal of either of the nominated members, or of his ceasing to be a member of the council, the council shall from time to time nominate from among themselves some other member to supply the vacancy so arising, but the member so nominated shall hold office only for the same period as the member whom he replaces would have done if such vacancy had not occurred: Provided always, that the member so nominated (and all other nominated or elected members) shall be eligible for re-election.

First elected members.

47. John Norris Russell and James Fitzgerald Bannatyne shall be the first elected members of the Gas Committee, and shall by virtue of this Act be deemed to have been appointed by or on behalf of the gas consumers, and shall continue to hold office until the first Monday in the month of February in the year 1880, when the first election by the gas consumers shall take place as herein-after mentioned: Provided, however, that the said John Norris Russell and James Fitzgerald Bannatyne shall respectively be eligible for re-election.

As to casual vacancy among elected

48. In case the said John Norris Russell or James Fitzgerald Bannatyne should die or resign, or become otherwise disqualified to represent the gas consumers upon the Gas Committee, before the

date of such first election, then, and so often as occasion may require, previous to the holding of such first election, the other surviving or remaining elected member shall in each case nominate from among the gas consumers a qualified person to fill the vacancy among the elected members. A.D. 1878. members before 1880.

49. The first election of representatives of the gas consumers upon the Gas Committee shall be held on the first Monday in the month of February 1880, and the second of such elections shall be held on the first Monday in the month of February 1882, and so on continuously on the same day in every alternate year. First and other elections by gas consumers.

50. No person shall be eligible to represent the gas consumers upon the Gas Committee unless he shall be at the time of his election a resident within the limits of supply, and either by himself or as a member of a firm, company, or copartnership occupies premises within the said limits rated at an annual value of not less than 100*l.*, and unless his name shall appear on the gas electors list herein-after mentioned as having paid, or being liable to pay, for the year ending on the quarter day next before the making of the list at least 20*l.* per annum gas rent. And no member of the council shall be chosen or eligible as an elected member of the Gas Committee. Qualification of elected members.

51. The Gas Committee shall cause to be prepared and furnished in duplicate to the town clerk for the time being on some day between the 20th of October and 1st of November 1879, and on some day within the corresponding period in every succeeding alternate year, an alphabetical list containing the names and addresses of all persons, firms, companies, or copartnerships who shall have paid gas rent to the Company or to the Corporation for the period of at least twelve months preceding the 30th of September next before such 20th of October, and from whom there shall not be then due more than three months arrears in respect of such gas rent, and setting forth also the amount of gas rent paid or payable in each case by such person, firm, company, or copartnership for such preceding period of twelve months, and the gas manager, together with some three members of the gas committee, shall sign such list as certifying its accuracy, and the list of gas consumers so made out and verified shall constitute "the gas electors list" for the purposes of this Act. List of gas consumers and electors.

52. On or before the 10th of November 1879, and on or before the same day in every alternate year, the town clerk shall cause one copy of the said gas electors list to be posted in the Town Hall, and shall retain another for reference, and every burgess of the borough Copies of list to be exhibited.

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and every consumer of gas within the limits of supply shall have liberty to inspect the said list in the office of the town clerk at all reasonable times without any charge therefor, and to take copies or extracts therefrom.

Errors, &c. in gas electors list to be corrected.

53. In the event of any error in or omission from the gas electors list, or of any other sufficient objection thereto, any person affected thereby may, on or before the 20th of November in any such year as aforesaid, give notice thereof in writing to the town clerk, and may require such list to be corrected accordingly, and in the event of such list not being thereupon corrected such person may cause the subject matter of his complaint to be brought before any two justices of the borough assembled at petty sessions, and by them summarily disposed of, but their decision shall be subject to an appeal to the county court judge of the county of Limerick, as in ordinary cases of appeal to the court of quarter sessions.

Powers of justices and county court judge as to appeals.

54. The justices on the hearing of any such complaint, or the county court judge on the hearing of any such appeal, may examine witnesses on oath as to the matter or matters in dispute, and may compel the attendance of persons to give evidence, and the production of books and accounts and the decision of the county court judge with regard to the subject matter of any such appeal shall be final.

Scale of voting by gas electors.

55. At any election by the gas consumers of elected members of the Gas Committee, every person whose name shall appear on the gas electors list shall be entitled to vote, and each such person shall in respect of his gas rent have and be entitled to give the number of votes following; (that is to say,)

If the amount of gas rent of such person paid by him within such period of twelve months as aforesaid shall not exceed 5*l.*, one vote;

If the same shall exceed 5*l.* but not exceed 10*l.*, two votes;

If the same shall exceed 10*l.* but not exceed 20*l.*, three votes;

If the same shall exceed 20*l.* but not exceed 30*l.*, four votes;

And for every additional sum of 10*l.* paid by him he shall be entitled to one additional vote.

In no case, however, shall any person be entitled to more than twelve votes.

Votes on behalf of companies, &c.

56. In the case of an incorporated company included in the gas electors list, any one director or the secretary of such company shall be entitled to vote in respect of the entire gas rent paid or payable by such company for the period covered by or to which

the list relates, on production to the returning officer of a requisition in that behalf signed by two directors of the Company duly verified.

As to votes in the case of firms.

57. In the case of firms or copartnerships, any one member of the firm or copartnership shall in like manner be entitled to vote in respect of the entire gas rent paid or payable by such firm or copartnership during the said period, on production to the returning officer of a requisition or appointment by or on behalf of the members of the said firm or copartnership conferring the necessary authority on the member so claiming to vote in a representative capacity duly verified.

Previous notice to be given of names of candidates.

58. No vote shall be received for or on behalf of any candidate at any election of a member or members of the Gas Committee unless notice of the nomination of such candidate shalt have been sent to the town clerk, or left at his office, four clear days before the day of such election, and unless such notice shall have been signed by at least two gas consumers whose names appear on the gas electors list then in force.

Mayor to be returning officer.

59. The mayor or his locum tenens for the time being shall preside at any election of a member or members of the Gas Committee by the gas consumers, and shall be the returning officer, and if his return be disputed the party aggrieved may appeal to the county court judge for the county of Limerick, whose decision shall be final, and the said judge shall have all such powers of administering oaths and compelling the attendance of witnesses and production of books as in all cases coming within his jurisdiction.

Elections, how to be held.

60. The time of holding any election under this Act other than the first election, and every subsequent biennial election, and the place of holding all the elections, shall be fixed by the council, who shall give seven clear days notice thereof.

Regulations to be made by returning officer.

61. The votes at every election of a member or members of the Gas Committee by the gas consumers shall be given in writing, and the returning officer shall have power to make all necessary regulations for facilitating or for the conduct of such elections, subject to the approval of the Local Government Board in the event of any question arising in relation thereto.

As to casual vacancies among elected members after 1880.

62. Any vacancy casually arising among the elected members of the Gas Committee between the dates fixed by this Act for the election of a member or members by the gas consumers, on or after the first election in the month of February 1880, shall be

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filled with all convenient speed by the election of some duly qualified person by and from among the consumers named in the gas electors list which shall have been used at the said election in February 1880, or, as the case may be, at the biennial election next preceding the occurrence of such vacancy, and the like conditions and formalities shall be observed, as nearly as the circumstances will permit, with respect to such election as at other elections under this Act, and the elected member of the Gas Committee so chosen shall hold office until the next biennial election, and no longer unless re-elected.

Proceedings of Gas Committee.

63. The Gas Committee shall hold their first meeting within three months after the passing of this Act, and the times and places of the other meetings of the Gas Committee shall be such as they shall from time to time appoint.

The quorum of the Gas Committee shall be three, and the decision of any question at any meeting shall be determined by the majority of votes, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as one of the Gas Committee.

No act, proceeding, or resolution of the Gas Committee shall be invalidated by reason of any vacancy in the number of the Committee for the time being.

Full reports of the proceedings of the Gas Committee shall from time to time be transmitted to the Corporation, and the accounts of the Gas Committee shall at all reasonable times be open to inspection and transcription by any member of the council.

Powers of Corporation in relation to gas may be delegated to Committee.

64. It shall be lawful for the Corporation from time to time to delegate to the Gas Committee such of the powers possessed by the Corporation under the provisions of this Act, or otherwise, as may be necessary or expedient for the more efficient supervision and management of the general undertaking, without prejudice, however, to the general powers, control, and jurisdiction of the Corporation.

Payments for public lighting.

65. The price to be charged in respect of gas for the public lamps within the limits of supply shall not at any time exceed the then current price charged by them for gas supplied to private consumers, together with the addition of reasonable charges for lighting, cleansing, and repairing such public lamps, and the price chargeable by them in respect of gas supplied for such purposes of public lighting shall be ascertained by means of information obtained from a sufficient number of test meters and governors to

be provided and used for or in connexion with the public lamps until a fair average indication of the consumption of gas in the public lamps has been or can be obtained.

Appointment and duties of gas examiner. 34 & 35 Vict. c. 41.

66. The Gas Committee shall appoint and keep appointed a competent and impartial person as gas examiner, whose powers and duties shall be the same as those prescribed for a gas examiner by the Gasworks Clauses Act, 1871; and in the event of such gas examiner neglecting or imperfectly attending to his duty, or in case the council or the members of the Gas Committee, or any of them, dispute the correctness of his reports, it shall be lawful for two or more justices assembled at petty sessions in the borough, on the written application of the gas manager, or of any five or more gas consumers paying between them not less than 50*l*. per annum gas rents, to appoint some competent and impartial person as a special gas examiner for such limited time or for such special purpose, as the justices may prescribe, and such person shall have all the powers conferred on the gas examiner by the said Act, and the expense of such special gas examination shall be paid out of the revenues of the general undertaking.

VI.—General.

Separate account for undertaking.

67. The Corporation shall keep a separate account, to be called the gas account, in respect of the general undertaking, showing all moneys from time to time expended thereon or received in respect thereof, and the account to be so kept shall be subject to the same provisions as to audit, examination, report, inspection, copies and extracts, and production of vouchers as other accounts of the Corporation.

Authentication of notices.

68. Any summons, warrant, demand, or notice, or other such document, to be issued or given for any of the purposes of this Act, may be in writing or print, or partly in writing or partly in print, and if the same require authentication by the Corporation, the signature thereof by the town clerk, the same having been previously authorised by the council, shall be a sufficient authentication.

Notice to Corporation to discontinue supply.

69. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing, and be left at the office for the time being of the gas manager.

Saving for existing charges.

70. Nothing in this Act shall prejudicially affect any charge on the property of the Corporation, and the improvement fund and improvement rate, or any of them, by way of mortgage, or otherwise

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subsisting at the passing of this Act, and every mortgagee or incumbrancer, or person for the time being entitled to the benefit of any such charge, shall have the same priority of charge, and all the like rights and remedies in respect of the property subject to the charge, as if this Act had not been passed, and all such charges created before the commencement of this Act shall, during the subsistence thereof, have priority over any certificate, mortgage, or debenture granted under this Act.

Corporation or borough not exempt from provisions of the Municipal Corporation Acts.

71. Nothing in this Act contained shall extend, or be deemed or construed to extend, to exempt the Corporation or the borough from any of the provisions of the Municipal Corporation Acts, but such Acts, except so far as the same are varied by or are inconsistent with this Act, shall be applicable to the Corporation and the borough as fully and effectually as if this Act had not been passed.

Saving rights &c. of the Corporation.

72. Nothing in this Act shall in anywise prejudice, lessen, or interfere with any rights, powers, franchises, privileges, or authorities now vested in the Corporation or the council by law, charter, or otherwise.

Expenses of Act.

73. The costs, charges, and expenses of the Corporation and of the Company preliminary to, and of and incidental to the preparing of and applying for and obtaining and passing of this Act, shall be paid by the Corporation out of moneys borrowed under the authority of this Act, and charged on the gas revenues and improvement fund and improvement rate, or out of such revenues, fund, or rate, or out of any gas revenues under the Act of 1853.

THE FIRST SCHEDULE.

DEED OF TRANSFER OF UNDERTAKING OF COMPANY TO CORPORATION.

In pursuance of and subject to the provisions of the Limerick Corporation Gas Act, 1878, and in consideration of [*here insert the consideration*], the Limerick Gas Company do hereby transfer and convey unto the mayor, aldermen, and burgesses of Limerick the gas undertaking of the Company, and their rights, powers, and privileges (except as in the said Act is excepted) to hold the same unto the said mayor, aldermen, and burgesses, their successors and assigns, and the said mayor, aldermen, and burgesses do accept the same accordingly.

In witness whereof the Limerick Gas Company and the said mayor, aldermen, and burgesses have hereto set their respective common seals, this day of 18 .

THE SECOND SCHEDULE.

GAS LANDS.

Part I.

Lands already vested in the Corporation for gasworks purposes under the Act of 1853, or otherwise:

A piece of land, being part of the lands called West Watergate, belonging or reputed to belong at the passing of this Act to the Corporation, and on which the gasworks of the Corporation have been erected, comprising about five thousand two hundred and fifty square yards, and which lands are situate in the borough of Limerick, and are bounded on the north by the lane or roadway called West Watergate, on the south by property reputed to belong to the Corporation and property reputed to belong to the representatives of Francis Philip Russell, on the east by the lane or roadway known as White Wine Lane, and on the west by St. Michael's burial ground and property reputed to belong to Stephen Hastings.

Part II.

Lands heretofore belonging to the Company and upon the transfer to be vested in the Corporation:

(*a.*) A piece of quarry land shown on the plans deposited in connexion with the Act of 1877, comprising about one thousand seven hundred and eighty square yards, bounded on the north and west by the lands herein-after described, and on the south and east by other portions of the same quarry:

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(*b.*) The lands belonging or reputed to belong at the passing of the Act of 1877 to the Company (previously known as the United General Gaslight Company), and on which the gasworks of that company were erected, comprising about four thousand six hundred and forty square yards, and which lands are situate in the said borough of Limerick, and are bounded on the north by the Ashbourne Road, on the west and in part on the south by land reputed to belong to the representatives of the late John Watson Mahony, and in part on the south and on the east by quarry land reputed to belong to the Limerick Harbour Commissioners.

THIRD SCHEDULE.

MORTGAGE DEED.

Borough of Limerick.

The Limerick Corporation Gas Act, 1878.

Mortgage No. £

By virtue of the above-mentioned Act, we, the mayor, aldermen, and burgesses of Limerick (herein-after called the Corporation) in consideration of the sum of pounds paid to us by , grant to , executors, administrators, and assigns the revenues of their gas undertaking and the improvement fund and improvement rate by that Act authorised to be mortgaged or charged therewith, and all the estate, right, title, and interest of the Corporation to the same.

To hold until the said sum of pounds be repaid to or them with interest, at the yearly rate of in the hundred by equal half-yearly payments on the day of and the day of in every year from the day of the date hereof. The principal to be repaid on the day of one thousand eight hundred and at the option of either party, and all payments to be made at the office in Limerick of the treasurer of the Corporation.

Given under the seal of the Corporation, this day of one thousand eight hundred and

Town Clerk.

FOURTH SCHEDULE.

TRANSFER OF MORTGAGE.

Borough of Limerick.

The Limerick Corporation Gas Act, 1878.

I, *A. B.*, of in consideration of pounds paid to me by *C. D.*, of , do hereby transfer to him, his executors, administrators, and assigns, the mortgage No. of the revenues of the gas undertaking and the improvement fund and improvement rate thereby assigned for pounds and interest at the yearly rate of pounds in the hundred granted on the day of by the mayor, aldermen, and burgesses of the borough of Limerick [*or, if the transfer be by indorsement*, the within written security], and all my right and interest in and under the same.

As witness my hand and seal, this day of one thousand eight hundred and .

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