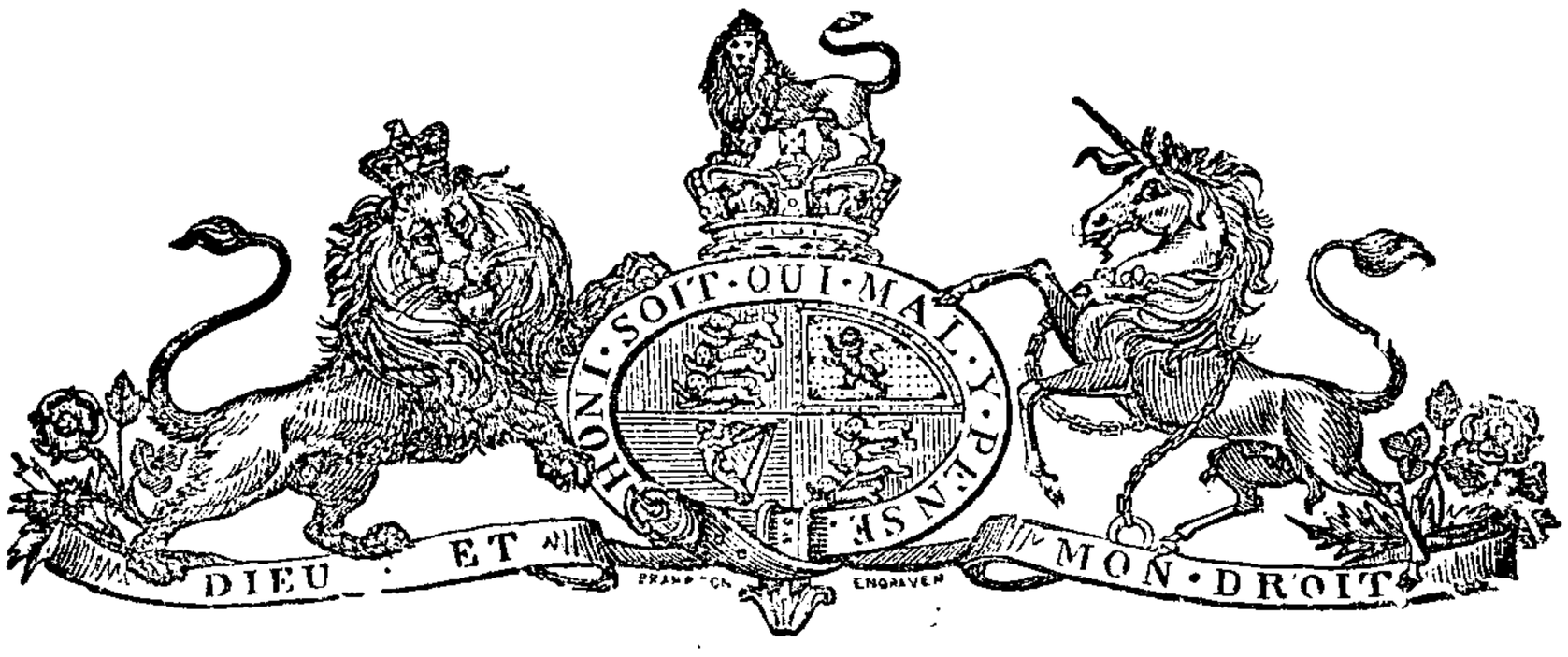


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cxci.

An Act for reclaiming, inclosing and appropriating certain Parts of the Harbour or Estuary of *Castlemaine*, and the Creeks of *Caragh* and *Rossbehy* in the County of *Kerry*.

[15th. *August* 1853.]

WHEREAS the Harbour or Estuary of *Castlemaine* in the County of *Kerry*, in that Part of the United Kingdom called *Ireland*, is for the most Part left uncovered by Water at the Efflux of the Tide, and consists of Shallows, Waste Lands, Marshes, Mud Lands, or Slobs, and Sands of a fertilizing Quality, of little or no Value in their present State, and the said Harbour serves as the Outlet for the Waters of the Rivers *Maine* and *Laune*, and of certain other small Streams flowing in an united Channel into the Bay of *Dingle*: And whereas considerable Portions of the Shallows, Waste Lands, Marshes, Slobs, and Sands in the said Harbour and the adjacent Creeks of *Caragh* and *Rossbehy* might be reclaimed and converted to agricultural Purposes, while the Navigation of the said Harbour would be improved by the Erection of Embankments in connexion with the Works required for the Reclamation of the said Waste Lands: And whereas the Attainment of such Objects would be of great public and local Advantage; and the several Persons herein-after named, with others, are willing to undertake the Execution of the Works necessary for the Purposes

aforesaid, in consideration of the Lands reclaimed being vested in them, subject to the Provisions herein-after contained: And whereas Her Majesty, in right of Her Crown, is or claims to be seised of the Soil and Freehold of the greater Part of the Lands to be reclaimed as aforesaid: And whereas Plans describing the Lands proposed to be embanked and reclaimed as aforesaid, and the Lines or Situations of the Works proposed to be executed for reclaiming the same, with Sections describing the Levels of such Works, together with a Book of Reference containing the Names of the reputed Owners, Lessees, and Occupiers of the Lands through which the said Works will pass, and which will be required for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Kerry* at his Office in *Tralee*: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in the Manner following; (that is to say,)

Interpretation of Terms.

I. That in the Construction of this Act and any Act incorporated therewith, and in the several Schedules thereto, the following Words and Expressions shall have the Meanings hereby assigned, unless there be anything in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Lands" shall be held to include Lands and Sands covered by the Sea as well as ordinary Lands, and all other Descriptions of Property comprised under the Term "Lands" in The Lands Clauses Consolidation Act, 1845:"

The Word "Works" shall be held to include all Embankments, Walls, Slopes, Forelands, Cuts, Channels, Culverts, Drains, Watercourses, Bridges, and other Description of Works, of whatsoever Nature or Description, which may be necessary to be made by the Company for carrying into effect the Objects and Purposes of this Act:

The Word "Owners" shall be held to include all Persons who by "The Lands Clauses Consolidation Act, 1845," are authorized to sell and convey Lands:

The Expression "the Company" shall mean "The *Castlemaine* Estuary Reclamation Company," hereby incorporated.

Incorporation of Company.

II. That *Josiah Bates*, *Nathaniel Overbury*, *Samuel Daniel*, *Edmund Johnson Mitchell*, *Thomas Smith*, *William Avens*, *James Dorrington*, *Augustus Archer Griffiths*, *John James Burgess*, *Jesse Hall*, and *George Ericson Ball*, and all other Persons who have already subscribed or who shall hereafter subscribe to the Undertaking by

by this Act authorized, and their respective Executors, Administrators, and Assigns, shall be united into a Company for reclaiming from the Sea the Lands defined on the Plans deposited as aforesaid as intended to be so reclaimed, and for the Execution and Maintenance of the Works by this Act authorized, and for the other Purposes of this Act, under the Name or Style of "The *Castlemaine* Estuary Reclamation Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and to hold Lands, and to sell and dispose thereof, subject to the Provisions herein-after mentioned.

Short Title.

III. That in citing this Act in any other Act of Parliament, or in any legal Instrument or Pleadings, it shall be sufficient to designate the same as "The *Castlemaine* Estuary Reclamation Act, 1853."

8 & 9 Vict. cc. 16. and 18. incorporated with this Act.

IV. That "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, except in so far as the same may be expressly varied by this Act.

Capital.

V. That the Capital of the Company shall be Sixty thousand Pounds.

Shares.

VI. That such Capital shall be divided into Twelve thousand Shares of Five Pounds each.

Calls.

VII. That One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between the successive Calls, and not more than One Half of the Amount of each Share shall be called up in any One Year.

Number of Directors.

VIII. That the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of One hundred Shares in the Undertaking.

First Directors.

IX. That *Josiah Bates*, *Nathaniel Overbury*, *Samuel Daniel*, *Edmund Johnson Mitchell*, and *Thomas Smith*, shall be the First Directors of the Company.

Quorum.

X. That the Quorum of a Meeting of the Directors or of a Committee of the Directors shall be Three.

Meetings of the Company.

XI. That the Ordinary Meetings of the Company shall be held at some Place within the County of *Middlesex* or the County of *Kerry*.

XII. That

First Meeting under the Act.

XII. That the First Ordinary Meeting of the Company shall be held within Three Months from the passing of this Act.

Power to construct Works and inclose Lands according to deposited Plans.

XIII. That, subject to the Provisions and Restrictions herein contained, it shall be lawful for the Company to make and maintain, upon the Lands delineated and described on the Plans deposited as aforesaid, and within the Limits of Deviation thereon defined, all or any of the following Works; *viz.*

A Catchwater Drain commencing at or near a Place called *Inch* at a Point marked E on the said Plans, in the Townland of *Inch*, and terminating at or near the Field No. 18. on the said Plans, in the Townland of *Killeenagh*, and passing in, through, over, or near the Townlands of *Inch*, *Ardroe*, *Inch East*, *Ballycullane*, *Ballinagroun*, *Caheracruttera*, *Caherpierce*, *Killeenagh*, and *Lack*, all in the Parish of *Ballinvoher*, or in, through, over, or near the Tideways, Slobs, Sands, Shores, and Channels of the said Harbour adjoining the same, and being extra-parochial, and, so far as necessary, to close up Parts of the present Channels of the *Emlagh* River and of all other Streams and Waters which may be intercepted by the said Catchwater Drain, and to divert their Waters into the said Drain; to construct and maintain a Catchwater Drain, commencing at or near the Field No. 3. on the said Plans, in the Townland of *Gortaleen*, and terminating at or near the Field No. 2. on the said Plans, in the Townland of *Boolteens East*, and passing in, through, or over the Townlands of *Gortaleen*, *Fybagh*, *Shanakeal*, *Shanahill*, *Shanahill East*, *Gortnahulla*, *Tober*, *Caherfealane*, *Keel*, *Corkaboy*, *Ross*, *Castledrum*, *Boolteens West*, and *Boolteens East*, all in the Parish of *Kilgarrylander*, or in, through, over, or near the Tideways, Slobs, Sands, Shores, and Channels of the said Harbour adjoining the same, and being extra-parochial, and, so far as necessary, to close up Parts of the present Channels of the River *Langdon*, and of all other Streams and Waters which may be intercepted by the said Catchwater Drain, and to divert their Waters into the said Drain; to construct and maintain a Catchwater Drain, commencing at or near the Field No. 1. on the said Plans, in the Townland of *Illaunstookagh*, and terminating at or near the Field No. 2. on the said Plans, in the Townland of *Laharan*, and passing in, through, or over the Townlands of *Illaunstookagh*, *Cromane Lower*, *Cromane Upper*, *Lonart*, *Tullig Beg*, *Tullig More*, *Garrane West*, and *Laharan*, all in the Parish of *Killorglin*, or in, through, or over the Tideways, Slobs, Sands, Shores, and Channels of the said Harbour adjoining the same, and being extra-parochial, and, so far as necessary, to close up Parts of the present Channels of the *Keal* Stream, and of other Streams and Waters which may be intercepted by the said Catchwater Drain,

and

and to divert their Waters into the said Drain; to construct and maintain a Catchwater Drain, commencing at or near the Field No. 31. on the said Plans, in or near the Townland of *Rossbehy*, and passing in, through, over, or near the Townlands of *Rossbehy*, *Faha*, and *Kilnabrack Lower*, and terminating at or near the Field No. 8. on the said Plans, in the Townland of *Kilnabrack Upper*, all in the Parish of *Glanbehy* or adjoining the same, and extra-parochial; and, so far as necessary, to close up Parts of the present Channels of the River *Behy*, and of all other Streams and Waters which may be intercepted by the said Catchwater Drain, and to divert the Waters of the said River *Behy* into the said Drain at or near the said Field No. 8. in the Townland of *Faha*, and also to divert the Waters of such other Streams and Waters as may be intercepted by the said Catchwater Drain into the said Drain:

And also such other Embankments, Walls, Forelands, Sluices, Cuts, Catchwater and other Drains, Culverts, Bridges, and other Works, as they may consider necessary, for reclaiming from the Sea, warping, draining, and rendering fit for Cultivation such Lands or any Part thereof, and to enter upon, take, and use such of the Lands delineated on the said Plans and described in the Book of Reference deposited therewith as they may deem necessary for the Purposes aforesaid.

Power to Commissioners of Woods, &c. to make an Absolute Grant of Her Majesty's Rights.

XIV. And whereas, for the Promotion of the Improvements contemplated by this Act, and for the Encouragement of the Company to execute the same, it may be deemed expedient and proper to grant to the Company all the Estate, Right, Title, or Interest of the Queen's Majesty, Her Heirs and Successors, in, out of, or upon the said Waste Lands, or in, out of, or upon such Part thereof as may be embanked and reclaimed by the Company, in manner herein mentioned: Be it therefore enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, and they are hereby authorized and empowered, with the previous Authority of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Two of them, to be signified by some Warrant under his or their Hand or Hands, at any Time during the Term of Six Years from the passing of this Act, to grant to the Company the whole of the Estate, Right, Title, or Interest of Her Majesty in, out of, or upon the said Waste Lands, or into, out of, or upon such Part or Parts thereof as shall from Time to Time during the Term of Six Years herein mentioned be substantially embanked and effectually reclaimed by the Company, for such Compensation in Land or Money as will amount to One Fortieth Part of the aggregate Value of the said Lands when so effectually embanked and reclaimed.

Mode of ascertaining Compensation for Grant of Her Majesty's Rights.

XV. That in order to ascertain and fix the Amount of such Compensation to be paid to Her Majesty, Her Heirs or Successors, or the Quantity of Land to be allotted to Her said Majesty, Her Heirs or Successors, it shall be lawful for Two Justices of the Peace of the County of *Kerry*, not being interested in the said Lands, as soon as conveniently may be after the Completion by the Company of the Embankments and other Works for excluding the Sea from the said Waste Lands, or such Parts as may from Time to Time be reclaimed by the Company, on the Application in Writing of the Company and of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, to appoint some competent Surveyor to ascertain and declare in Writing the Amount of One Fortieth Part of the Value in Money or Land of the Waste Lands which shall be from Time to Time so embanked and reclaimed by the Company as aforesaid, such Value to be ascertained according to the aggregate Value of the said Waste Lands in the State in which they shall be at the Time of such Embankment being completed, and to award and allot the Value of such One Fortieth Part in Money or Land to Her Majesty, Her Heirs and Successors, in full Compensation and Satisfaction of and for all the Estate, Right, Title, or Interest of the Queen's Majesty, Her Heirs and Successors, in or to the said Waste Lands, or such Part thereof as may from Time to Time be embanked and reclaimed.

Power to borrow Money on reclaimed Lands.

XVI. That it shall be lawful for the Company from Time to Time to borrow at Interest on the Security of the Lands by this Act authorized to be reclaimed, after the same shall be vested in them, any Sums of Money which they may think necessary, not exceeding in the whole the Sum of Twenty thousand Pounds: Provided always, that the Company shall not borrow any Sum until One Third of the Capital of Sixty thousand Pounds has been paid; but the Sum of Money to be borrowed shall not exceed Ten thousand Pounds until One Half of the said Capital has been paid; and in the event of any Part of such Sum of Money being repaid by the Company, or of any Sum being required to pay off any Mortgage or Bond by the Company, it shall be lawful for the Company to reborrow the Sum so repaid or required as aforesaid from Time to Time; and for securing the Repayment of the Sums so borrowed or reborrowed, with Interest, the Company may give Bonds, or may mortgage the unpaid Calls of the Capital of the Company, and the Lands which may be reclaimed and become vested in them under the Provisions of this Act, or any Part thereof; and every such Mortgage may contain such Provisions as the Parties thereto may deem expedient for continuing the Loan, or for the Payment of the Sum thereby secured by Instalments, or for reducing the Rate of Interest reserved thereon, and may also contain Powers of Sale of the

mortgaged Premises, or for the Appointment of a Receiver, and such other Provisions as shall be in that Behalf agreed upon; and wherever the Word "Calls" occurs in the Provisions of the said "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company on Mortgage or Bond, such Word shall be held to comprise any Rents or Profits arising out of the Lands which may be the Subject of any such Mortgage to be granted under the Provisions of this Act.

Power to enter on Lands for Purposes of this Act.

XVII. That, subject to the Provisions of the said recited Acts and this Act, it shall be lawful for the Company, for the Purpose of constructing the Works by this Act authorized, to enter upon any Lands and other Places described on the Plans deposited as aforesaid, and in the Book of Reference lodged therewith, and to take Levels thereof, and to dig and break up the Soil of such Lands, and to trench and sough the same, and to remove or use all such Earth, Stones, Sand, or other Materials which may be dug or gotten out of the same.

Power to erect Works for warping, &c. Waste Lands.

XVIII. That for the Purpose of warping and improving the said Waste Lands, Mud Lands, or Slobs, Marshes, Sands, Channels, and Lands, or any Part or Parts thereof, it shall and may be lawful for the Company and they are hereby authorized and empowered, at any Time or Times, in their Discretion, and either before or after the said Waste Lands, Mud Lands, or Slobs, Sands, Marshes, Channels, and Lands, shall be respectively embanked from the Sea, to build, erect, make, continue, use, and employ, or cause to be built, erected, and made, continued, used, and employed, through and over all and every or any of the said Waste Lands, Mud Lands, or Slobs, Sands, Marshes, Channels, and Lands by this Act authorized to be embanked from the Sea, all such Cuts, Catchwater and other Drains, Dams, Banks, Aqueducts, Culverts, Outlets, Sluices, Cloughs, Engines, Bridges, Tunnels, Roads, and other Works, as the Company shall think proper, and also to erect or cause to be erected such suitable Buildings for the Habitation of any Person or Persons to be employed in superintending or executing the said Works or any of them, or for depositing any Stores or Materials belonging thereto, or for any other Purposes connected with the said Works, or any of them, as the Company shall from Time to Time think necessary; and for the Purposes aforesaid it shall be lawful for the Company, and their several Engineers, Agents, Servants, and Workmen, to enter into and upon and to pass along and over the Banks and Forelands, and all and every or any of the Waste Lands, Mud Lands, or Slobs, Sands, Marshes, Channels, and Lands by this Act authorized to be embanked from the Sea, or taken and used, and to take and dig Earth and other Materials therefrom, and to make, fix, carry, and continue

such

such Cuts, Banks, Dams, Sluices, Tunnels, and other Works last mentioned, or any of them, in, through, along, and over the said Waste Lands, Mud Lands, or Slobs, Sands, Marshes, Channels, and Lands, or any of them: Provided always, that in the Exercise of the Powers by this Act granted the Company shall do as little Damage as may be, and shall make Satisfaction to all Parties interested for all Damage by them sustained by reason of the Exercise of such Powers in manner provided by the "Lands Clauses Consolidation Act, 1845."

As to the temporary Occupation of private Roads.

XIX. That the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the temporary Occupation of private Roads during the Construction of the Works therein referred to, and which are comprised within the Thirtieth and Thirty-first Sections of the said Act, shall be incorporated with this Act, with reference to the Works by this Act authorized, as though such Works were specified in the said Provisions, in lieu of the Kind of Works therein mentioned; and where the Word "Railway" occurs in the said Sections of the said Act the same shall mean the Works authorized to be executed by this Act, and the Limits within which such Provisions may be acted upon shall be held to comprise all the Lands described on the Plans deposited as aforesaid.

The Company not to injure Drainage of adjoining Lands, nor Navigation of Rivers.

XX. That nothing in this Act contained shall extend to empower the Company to injure the Drainage of any Lands adjoining the Lands which may become vested in the Company by virtue of this Act, nor to prevent the free Discharge of any of the Waters of the said Rivers *Maine* and *Laune*, or of any other Rivers or Streams, nor to injure or impede the Navigation and Drainage of or by the same respectively.

Plans and Sections to remain with the Clerk of the Peace.

XXI. That the Plans and Sections which have been lodged with the Clerk of the Peace for the County of *Kerry* as aforesaid, and the Book of Reference to the said Plans lodged therewith, shall remain with and be kept by the said Clerk of the Peace, who shall allow all Persons to inspect the same, and to make Copies and Extracts of and from the same, in like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by the Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, with reference to the Documents therein referred to.

Copies to be Evidence.

XXII. That Copies of the said Plans, Sections, and Book of Reference, or Extracts therefrom, purporting to be duly certified by the said Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

XXIII. That

Errors in Plans, &c. may be rectified by Justices, who shall certify the same.

XXIII. That if any Omission, Mis-statement, or erroneous Description shall be made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands delineated on the said Plans deposited as aforesaid, or described or referred to in the Book of Reference lodged therewith, it shall be lawful for the Company to apply to Two Justices for the Correction thereof; and if it shall be proved to the Satisfaction of such Justices that any such Error or Omission arose from Mistake or Inadvertence, they shall certify the same accordingly, and such Certificate shall be lodged with the said Clerk of the Peace, who shall keep the same with the said Plans and Book of Reference, and the said Plans or Book of Reference, as the Case may be, shall be amended or held to be amended in accordance with such Certificate.

Certificate to be deposited.

Power for compulsory Purchase of Lands limited.

XXIV. That the Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Six Years from the passing of this Act.

Period for the Completion of Works.

XXV. That all the Works which the Company are hereby authorized to execute shall be completed within Eight Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the same shall cease to be exercised.

Power to acquire Lands of other Parties.

XXVI. That for the Purposes of this Act or any of them, and under and subject to the Restrictions and Provisions herein and in the said recited Acts contained, it shall be lawful for the Company to enter upon, use, take, and acquire all and singular the other Lands, Tenements, and Hereditaments delineated or marked on the said Plans and described or referred to in the said Book of Reference deposited as aforesaid, or so much and such Part and Parts thereof as the Company shall or may from Time to Time require, the Company, their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction to all Persons and Corporations interested in any Lands which shall be taken, used, or injured for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted.

Tracts of Land to be acquired and reclaimed by the Company.

XXVII. That the Lands, or several Tracts of Land which are intended to be inclosed and reclaimed from the Sea as aforesaid are the following; (that is to say),

First Tract:—A Tract comprised within a Boundary beginning at a Point at the Northern Extremity of the Townland of *Rossbehy*, extending thence in a South-easterly Direction to the Northern Extremity of the Townland of *Reennanallagane*, thence in a South-

a South-westerly Direction along the Southern Shore of *Rossbehy Creek* to a Point near the Mouth of the River *Behy*, thence across the Peninsula of *Rossbehy*, to a Point on the Sea Shore of *Dingle Bay* near the Southern Boundary of the Townland of *Rossbehy*; thence in a Northerly Direction along the Sea Shore of *Dingle Bay* to the aforesaid Northern Extremity of the Townland of *Rossbehy*, all in the Parish of *Glanbehy*, and Barony of *Iveragh*, or adjoining thereto, and extra-parochial:

Second Tract:—A Tract comprised within a Boundary commencing at or near the Southern Extremity of the Townland of *Inch*, and extending thence in a North-easterly Direction to a Point near the Junction of the Townlands of *Killeenagh* and *Lack* at their Southern Boundary, thence in a Westerly Direction along the Southern Shore of the Parish of *Ballinvoher*, and across the Peninsula of *Inch*, to a Point on the Sea Shore of *Dingle Bay* near the Junction of the Townlands of *Inch* and *Ardroe*, thence in a South-easterly Direction along the Sea Shore of *Dingle Bay* to the aforesaid Point at the Southern Extremity of *Inch*, all in the Parish of *Ballinvoher* and Barony of *Corkaguiny*, or adjoining thereto, and extra-parochial:

Third Tract:—A Tract or Tracts in the Harbour of *Castlemaine* comprised within a Boundary commencing at *Cromane Point*, at the Northern Extremity of the Townland of *Cromane Lower*, and extending thence in a Southerly Direction to near the Junction of the Townlands of *Cromane Upper* and *Cromane Lower*, and thence in a North-easterly Direction along the inward or landward Side of the unembanked flooded Lands, Slobs, and Mud Lands at the South Side of *Castlemaine* Harbour to or near a Place called *Reen Point* at the Northern Boundary of the Townland of *Reen*, thence in a North-westerly Direction to a Point South of and near *Roscullen Island*, and thence in nearly a straight Line to the aforesaid *Cromane Point*, all in the Parish of *Killorglin* and Barony of *Trughanacmy*, or adjoining thereto, and extra-parochial:

Fourth Tract:—A Tract or Tracts comprised within a Boundary commencing at a Point opposite *Ballykissane* Quay in the Townland of *Callanafersy West*, and extending in a Northerly Direction along the existing Embankment at the Western Boundary of the Townland of *Callanafersy West* to or near a Point called *Roscullen Point* in the said Townland, and thence in an Easterly Direction along the existing Embankments and Shore at the Southern Side of the River *Maine* to or near *Tincally Point* in the Townland of *Callanafersy West*, thence in a Westerly Direction to a Point opposite *Roscullen Island*, and about One thousand Yards West of *Roscullen Point*, thence in a South-eastern Direction to the first-mentioned Point, opposite

Ballykissane Quay, all in the Parish of *Kilcolman* and Barony of *Trughanacmy*, or adjoining thereto, and extra-parochial:

Fifth Tract:—A Tract or Tracts comprised within a Boundary commencing at or near a Point marked 81[b] on the said Plan at the South-eastern Boundary of the Townland of *Castledrum* on the Northern Shore of the River *Maine*, thence running along the Eastern Boundary of the said Townland to or near *Kealbraddagh Bridge* in the Townland of *Boolteens East*; thence in a South-westerly Direction along the inward or landward Boundary of the Slobs, Mud Lands, and unembanked flooded Lands within the Limits of Deviation marked on the said Plan to or near a Point called *Laghtacallow Point* near the Mouth of the said River, thence in a Northerly Direction along the eixsting Embankment at the Western Boundary of the Townland of *Laghtacallow* to a Point near the Junction of the Townland of *Laghtacallow* with the Townland of *Caherfealane Marsh*, thence Westerly along the inward or landward Boundary of the Slobs, Mud Lands, and unembanked flooded Lands on the Southern Boundary of the Parish of *Kilgarrylander* to a Point at the South-western Extremity of the Townland of *Fybagh*, and thence in a South-easterly Direction to *Roscullen Island*, thence through the Slobs and Mud Lands of the River *Maine*, and terminating at or near the first-mentioned Point marked 81[b], at the South-eastern Boundary of the Townland of *Castledrum*, all in the Parish of *Kilgarrylander* and Barony of *Trughanacmy*, or adjoining thereto, and extra-parochial:

Which said several Tracts of Land, and intended Embankments and Works connected therewith, front or adjoin the Sides of or are or will be situate adjacent to or within the Precincts or Boundaries of the Townlands, Parishes, and Baronies next herein-after named, or some of them; *viz.*

The Townlands of *Rossbehy*, *Reennanallagane*, *Faha*, *Kilnabrack Lower* and *Kilnabrack Upper*, in the Parish of *Glanbehy* and Barony of *Iveragh*; the Townlands of *Inch*, *Ardroe*, *Inch East*, *Ballycullane*, *Ballinagroun*, *Caheracruttera*, *Caherpierce*, and *Killeenagh*, in the Parish of *Ballinvoher* and Barony of *Corkaguiny*; the Townlands of *Ballykissane*, *Reen*, *Garrane East*, *Garrane West*, *Douglas*, *Tulligmore*, *Laharan*, *Tulligbeg*, *Lonart*, and *Cromane Lower*, in the Parish of *Killorglin* and Barony of *Trughanacmy*; the Townland of *Illaunstookagh* in the Parish of *Killorglin* and Barony of *Iveragh*; the Townlands of *Callanafersy East* and *Callanafersy West* in the Parish of *Kilcolman* and Barony of *Trughanacmy*; the Townlands of *Gortaleen*, *Fybagh*, *Roscullen Island*, *Shanakeal*, *Shanahill*, *Shanahill East*, *Caherfealane*, *Caherfealane Marsh*, *Laghtacallow*, *Cloonearagh*, *Ardabawn*, *Keel*, *Corkaboy*, *Ross*, *Castledrum*, *Gortnahulla*,

Gortnahulla, *Tober*, *Boolteens East*, and *Boolteens West*, in the Parish of *Kilgarrylander* and Barony of *Trughanacmy*, all in the said County of *Kerry*.

Lands so acquired to be called "The Castlemaine Estuary Reclamation."

XXVIII. That the Lands or Tracts of Land so vested in the Company, with the Embankments and Works connected therewith, or so much thereof as shall be from Time to Time reclaimed, shall be called by the Name of "The *Castlemaine* Estuary Reclamation," and shall be held by the Company for such Estate and Interest as shall be granted by any Conveyance, subject nevertheless to the Provisions herein contained for maintaining proper Roads and Drains across the said Lands for the Convenience and Accommodation of the Owners of Land fronting the said respective Tracts of Land.

The Tracts to be considered locally situate in the County of Kerry, and within certain Parishes and Baronies.

XXIX. That the said *Castlemaine* Estuary Reclamation shall, when the same or so much thereof as shall from Time to Time be reclaimed has been completed, be and be deemed to be locally situate in the County of *Kerry*, and in the following Parishes and Baronies of the said County; namely, "First Tract" shall be deemed to be in the Parish of *Glanbehy* and in the Barony of *Iveragh*; "Second Tract" shall be deemed to be in the Parish of *Ballinvoher* and in the Barony of *Corkaguiny*; "Third Tract" shall be deemed to be in the Parish of *Killorglin* and in the Barony of *Trughanacmy*; "Fourth Tract" shall be deemed to be in the Parish of *Kilcolman* and in the Barony of *Trughanacmy*; and "Fifth Tract" shall be deemed to be in the Parish of *Kilgarrylander* and in the Barony of *Trughanacmy*: Provided always, that the Appropriation of the said several Tracts of Land, when reclaimed, to the said Parishes and Baronies, shall not be held to affect the Claim which any Person may set up to any such Lands, as being Part of any other Parish or Barony before the passing of this Act.

Lands to be subject to Rates.

XXX. That after any Part of the said Lands shall have been embanked and reclaimed, and brought into Cultivation, but not sooner, the same shall be liable to be rated and taxed towards the Poor Rates and County Cess, and such other Rates and Levies to which Lands in the said Parishes and Baronies are or may be legally subject.

Company may acquire other Lands by Agreement.

XXXI. That it shall be lawful for the Company to acquire by Agreement under the Provisions of "The Lands Clauses Consolidation Act, 1845," or otherwise, all such Lands and Houses within a Quarter of a Mile from any Part of the Lands to be acquired by the Company under the Provisions of this Act as the Company may consider necessary or advantageous.

XXXII. That

For straightening Boundaries.

XXXII. That it shall be lawful for the Company, and the Owners for the Time being of any Lands adjoining the Lands to be vested in the Company under the Provisions of this Act, to agree as to the future Boundaries between such Lands respectively, and to effect Exchanges of such Lands respectively in such Manner as to secure as far as may be an even Boundary Line between the same.

Company to dredge the Channels of the Rivers Maine and Laune and Harbour to a certain Extent.

XXXIII. Whereas the Works hereby authorized to be executed by the Company will in some Places alter the Channels of the Rivers *Maine* and *Laune* and of the Harbour of *Castlemaine*, and in consequence thereof it will be necessary, for the Preservation of the Navigation, to dredge and deepen some Parts of the said Channels: Be it therefore enacted, That the Company shall, within Six Years from the passing of this Act, dredge from below the Level of Low-water Mark at ordinary Spring Tides Three hundred and twenty thousand Cubic Yards of Silt, Mud, or other Material at such Parts of the said Channels and in such Manner as the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, shall require, by Writing under the Hand of the Secretary of the Admiralty; and in case the Company shall fail to complete such dredging to the Satisfaction of the said Lord High Admiral or the said Commissioners, within such Period of Six Years, then it shall be lawful for the said Lord High Admiral or the said Commissioners, if he or they think fit, to cause such dredging to be made, or, if partly made by the Company, to be completed, at the Costs and Charges of the Company, and the Amount of the Costs and Charges so incurred shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, and the same shall also, until paid by the Company, be and the same is hereby made the First Charge upon all Lands which may be hereafter embanked or reclaimed by the Company, except such Part of such Lands, if any, as may be allotted or apportioned to be retained for or for the Use of Her Majesty in right of Her Crown, and also except any Sum of Money to be payable to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues in respect of Her Majesty's Interest in the said Lands, and such Charge shall take precedence of all Sales, Leases, and Demises made by the Company by virtue of this Act; and in case of Default being made by the Company in Payment of the Amount of the Costs and Charges incurred by or by the Direction of the said Lord High Admiral or the said Commissioners in any such dredging as aforesaid, for the Period of Two Months next after Notice to the Company of the Amount of such Costs and Charges, it shall be lawful for the said Lord High Admiral or the said Commissioners, at any Time or Times and from Time to Time, to sell by Public Auction or by Private Contract, and in One Lot or in

several Lots, all or any Portion or Portions of the said Lands (except as aforesaid) for the Purpose of raising the Amount of the said Costs and Charges, and Interest thereon after the Rate of Five Pounds *per Centum per Annum* from the Time of Notice of the Amount thereof having been given as aforesaid, and also the Costs of or relating to the Sale or Sales thereof, and by any Deed or Deeds, executed by the said Lord High Admiral or the said Commissioners, to convey the Lands or any of them to be sold, at any Time or from Time to Time, to the Purchaser or Purchasers thereof, or as he or they may direct, in Fee Simple, freed and discharged from all Liens and Incumbrances whatsoever, whether effected under this Act or otherwise; and such Lands shall, upon the Payment of the Purchase Money, and the Execution of any such Deeds conveying the same, vest in such Purchaser or Purchasers, or in his or their Nominee or Nominees, accordingly, and the Purchase Money shall be applied in Payment of the Amount of the said Costs and Charges of dredging as aforesaid, Interest and Costs, and the Surplus, if any, be paid to the Company; but no Purchaser or Purchasers shall be bound to see whether any such Notice has been given to the Company, or to the Application of all or any of the Purchase Money, upon his or their obtaining the Receipt or Receipts of Her Majesty's Paymaster General for the same, whose Receipt or Receipts shall be efficient and effectual Discharge and Discharges for the Sum or Sums of Money therein specified to be received.

Power to Company to sell Lands.

XXXIV. That it shall be lawful for the Company, at any Time after the said Waste Lands shall have been vested in them, from Time to Time, and in such Manner and on such Conditions and Covenants as to them shall appear expedient, and either by Public Auction or Private Contract, or partly in one Way and partly in another, to sell and dispose of the whole or any Part or Parts of the Lands hereby vested in them, as they may think fit; and if any such Lands be offered for Sale by Public Auction, they may reserve thereon any Price they may think fit as the minimum Price at which such Lands shall be disposed of at such Auction; and the Company may make and execute all proper Acts and Contracts, and by Deed under their Common Seal, in the Form, *mutatis mutandis*, or as nearly as may be, prescribed by the "Lands Clauses Consolidation Act, 1845," with regard to the Conveyance of superfluous Lands, or in such other Form as the Company shall order or direct, may convey and assure the Lands so sold unto the Purchaser thereof, and his Heirs, or as he shall direct; and the Receipts under the Common Seal and the Hands of Two or more of the Directors of the Company for the Purchase Monies arising by or from any such Sale as aforesaid shall be sufficient and effectual Releases and Discharges

Discharges to the several Purchasers for so much Money as in such Receipts respectively shall be acknowledged to be received, and the Purchaser of any of such Lands shall not be obliged to see to the Application of the Purchase Money, nor be accountable for the Misapplication or Nonapplication of the same: Provided always, that before any Sale shall take place of any Part of the said Lands such Part shall be first reclaimed.

As to Payment of Purchase Money

XXXV. That it shall be lawful for the Company to fix the Time or Times and Mode of Payment of the Purchase Money of the several Lots of Land to be sold by them under the Provisions of this Act, and to accept such Security, Real or Personal, for the Payment thereof, with Interest, as the Company shall think fit, and also to insert in the several Conveyances to be made to the respective Purchasers of such Lots any Clauses or Covenants for the due Payment of the deferred Instalments of the Purchase Money and Interest, and for the Cesser, Forfeiture, Re-entry, and Recovery of such Lands, in default of such due Payment as aforesaid: Provided always, that it shall not be lawful for the Company to enter into any Agreement or Contract for the Sale of Lands which shall admit of a longer Period than Ten Years for the Payment in full of the Price or Purchase Money thereof: Provided also, that not less than One Half of the whole of the Purchase Money shall be paid by the Purchaser, upon the Sale and Conveyance to him of such Lands.

In case of Nonpayment of Instalments, Proceedings as for Nonpayment of Rent.

XXXVI. That whenever the Payment of a Part of the Purchase Money for any Lot sold by the Company shall be by deferred Instalments, and if any One or more of the Instalments, or any Part thereof, or any Interest thereon, shall be in arrear, the Company shall (in addition to a Lien upon the Lot for the unpaid Instalments and Interest thereon) have and may exercise, at their Discretion, the same Remedies, by Distress or otherwise, for the Recovery of the Arrears, and before the same Courts, as are given in Cases of Nonpayment of Rent in *Ireland*, it being the Intent and Meaning of this Act that such Arrears may be recoverable by the Company in like Manner in all respects as if the same had been Rent reserved to the Company upon a Lease or common Demise.

Form and Effect of Conveyance by Company.

XXXVII. That any Conveyance of Land by the Company to any Purchaser or Purchasers under the Provisions of this Act may be made according to the Forms in the Schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit, or in such other Form as the Company or the Purchaser or Purchasers shall think fit; and that every such Conveyance shall be effectual to pass the Land thereby expressed to be conveyed to such Purchaser or Purchasers, his or their Heirs and Assigns,

Assigns, or in such Manner as he or they may direct, for all the Estate and Interest purchased by him or them therein, so far as the Company may be entitled to convey the same: Provided always, that a Receipt under the Common Seal of the Company, and the Hands of Two or more of the Directors of the Company, shall be a sufficient Discharge to a Purchaser under the Company for so much of his Purchase Money as in such Receipt shall be acknowledged to have been received.

Company may transfer Security and guarantee Payment.

XXXVIII. That the Principal Money of each Security, and also the Interest thereon, shall be paid into the Office or Offices of the Company at such convenient Time or Times as they shall direct; and in case of any Transfer or Assignment of any such Security by the Company, it shall be lawful for the Company to guarantee Payment of the Principal Money, and also of the Interest named therein, or either of them; and such Guarantee may be in the Form set forth in the Schedule (C.) to this Act annexed, or in such other Form as the Company shall think fit.

Power to Company to lease Lands.

XXXIX. That at any Time after the said Lands shall have been vested in the Company, and until such Sale or Sales shall be made as aforesaid, it shall be lawful for the Company from Time to Time to let, set, and demise any of the Lands which may be reclaimed as aforesaid for such Terms and under such yearly and other Rents, and subject to such Covenants, Provisions, and Restrictions, or to stock and cultivate the same, in such Manner as to the Company shall seem fit.

Roads and Water-courses to be continued to the Sea.

XL. That the Company shall make and at all Times maintain all Drains, Sluices, and Culverts of such Widths, Depths, Capacities, and Dimensions as shall be necessary and proper for conveying the Waters without Obstruction in, over, and through the Lands vested in them as aforesaid to the Sea, or into the new or improved Cuts or Channels hereby authorized to be made, so that a good and effectual Drainage may be afforded to the several Owners and Occupiers of Lands in the several Parishes adjoining the said Lands hereby authorized to be reclaimed; and all Drains shall be made in such Manner as that the Waters may be taken to the Sea or into such new or improved Cuts or Channels without Interruption (avoiding circuitous Courses as much as possible); and the Company shall also make and maintain such Roads over the Lands vested in them as aforesaid as shall be necessary for the Prevention of any Inconvenience to the Public arising from Loss or Difficulty of Access to the Sea; and the Company shall afford to the Public, and the Owners and Occupiers of the Lands adjoining the said Estuary, at or near the Termination of such Roads, or in other convenient Places,

Places, the Means of Access to the Sea, for the loading or unloading of Goods, Wares, or Merchandise, Shells, Seaweed, or Manure, upon or from Carts, Lighters, or Vessels; but nothing herein contained shall authorize the landing or loading of Goods, Wares, or Merchandise at any other Parts of the Embankments or Works of the Company than the Landing Places so to be afforded, or the Right to use and exercise any more extended Right of landing or loading than is or has been enjoyed at or previous to the passing of this Act.

Power to open and cleanse Drains in adjoining Lands.

XLI. That for the better Drainage of the Lands adjoining or near to the Lands by this Act authorized to be reclaimed as aforesaid it shall be lawful for the Company from Time to Time and at all Times to enter upon any such Lands, and to open, dredge, cleanse, or deepen any Culvert, Sewer, Drain, or Watercourse passing in or through the same, and to connect any such Culvert, Sewer, Drain, or Watercourse with any similar Work proposed to be made by the Company in or through the Lands which may become vested in them under the Provisions of this Act: Provided always, that the Company shall make Compensation for all surface or other Damage occasioned to such Lands by the Operations of the Company, such Compensation, in case of Dispute, being ascertained and fixed by any Two Justices in Petty Sessions.

Power to require Accommodation Works to be erected.

XLII. That if any Difference shall arise between the Company and any Owner or Occupier of Lands adjoining the said Reclamation as to the Sufficiency of any of the Drains, Sluices, Culverts, or Roads made by the Company across the Lands so acquired by them as aforesaid, or as to the Sufficiency of the Access to the Sea afforded by them for the loading or unloading of any Goods, Wares, Merchandise, or any other Things, according to the Provisions herein contained, it shall be lawful for the Court of Quarter Sessions of the County of *Kerry*, upon the Complaint of any such Owner or Occupier of adjoining Lands as to the Sufficiency of any of the Drains, Sluices, Culverts, or Roads so made by the Company, at any Time within Twelve Months after the Inclosure or Reclamation of any Lands under the Provisions of this Act, and after due Notice to the Company, to inquire into the Subject Matter of such Complaint, and after hearing Parties, and (if the said Court shall think fit) to appoint a Surveyor or Surveyors to inspect and report, and after considering such Report, and being satisfied of the Justice of such Complaint, to require the Company to make other or more sufficient Drains, Sluices, Culverts, or Roads, or to afford other and more convenient Places of Access to the Sea, as the Case may be, or to dismiss such Complaint, with such Orders as to Costs as to the said Court shall seem fit, but so nevertheless that the Company shall in no Case be required to make any more or any wider Roads or Drains than the Roads or Drains now abutting on the Sea Shore within the Limits of this Act.

Admiralty may order Survey, at the Expense of the Company.

XLIII. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in or affecting any tidal Water or navigable River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Abandoned Works affecting tidal Waters may be removed by the Admiralty, at Expense of Company.

XLIV. That if any Works to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of any such Works which affects any such Water or River, or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Works below High-water Mark not to be executed without Consent of the Admiralty.

XLV. That it shall not be lawful for the Company to construct or execute below High-water Mark at ordinary Spring Tides any Works hereby or otherwise authorized to be made, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan, and in accordance with such Lines, and under such Restrictions and Regulations, as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Works shall have been executed or constructed it shall not be lawful for the Company at any Time to alter or extend the same, without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Works shall be commenced or completed, or altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

XLVI. That

Provision as to the Rights of the Crown.

XLVI. That nothing whatsoever contained in this Act or in any of the Acts herein referred to shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Waste Lands, Mud Lands, Slobs, Sands, or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the Provisions of the same Act or Acts might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of Act.

XLVII. That all the Costs of applying for and obtaining this Act, or incidental thereto, shall be paid by the Company.

SCHEDULES herein-before referred to.

SCHEDULE (A.)

Form of Conveyance by the Company when the whole of the Purchase Money is to be paid at the Time of the Execution of the Conveyance.

The Castlemaine Estuary Reclamation Company, incorporated by "The Castlemaine Estuary Reclamation Act, 1853," in consideration of the Sum of Pounds paid to the said Company by *A. B.* of do hereby grant and convey unto the said *A. B.*, his Heirs and Assigns, [*describing the Premises to be conveyed,*] together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as the said Company is or shall become seised, possessed of, or entitled to, or is by the said Act empowered to convey, to hold the said Premises to the said *A. B.*, his Heirs and Assigns, for ever, subject nevertheless to the Restrictions and Provisions contained in the said Act. In witness whereof the said Company have hereunto set their Common Seal, this Day of in the Year of our Lord

SCHEDULE (B.)

Form of Conveyance by the Company when the Purchase Money is payable by Instalments.

THE Castlemaine Estuary Reclamation Company, incorporated by "The Castlemaine Estuary Reclamation Act, 1853," in consideration of the Sum of Pounds now paid to the said Company by *A. B.* of and of the further Sum of Pounds to be paid to the said Company by the said *A. B.* by the Instalments and at the Periods following, viz., [*here state the Amount of the several Instalments, the Times when payable, the Reservation of Interest, and any other Conditions that may be agreed upon,*] do hereby grant and convey to the said *A. B.*, his Heirs and Assigns, [*describing the Premises to be conveyed,*] together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as the said Company is or shall become seised or possessed of or entitled to, or is by the said Act empowered to convey, to hold the Premises to the said *A. B.*, his Heirs and Assigns, for ever, subject nevertheless to the Restrictions and Provisions contained in the said Act. In witness whereof the said Company have hereunto set their Common Seal, this Day of in the Year of our Lord .

SCHEDULE (C.)

Form of Guarantee.

The Castlemaine Estuary Reclamation.

BY virtue of "The Castlemaine Estuary Reclamation Act, 1853," the Castlemaine Estuary Reclamation Company hereby guarantee to the Holder of the within Security the Payment of the Principal Sum of Pounds at the Period therein mentioned, and also to the Holder of the Coupons or Interest Warrants thereto annexed the several Sums therein mentioned, at the Times specified therein.

(L.S.)

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