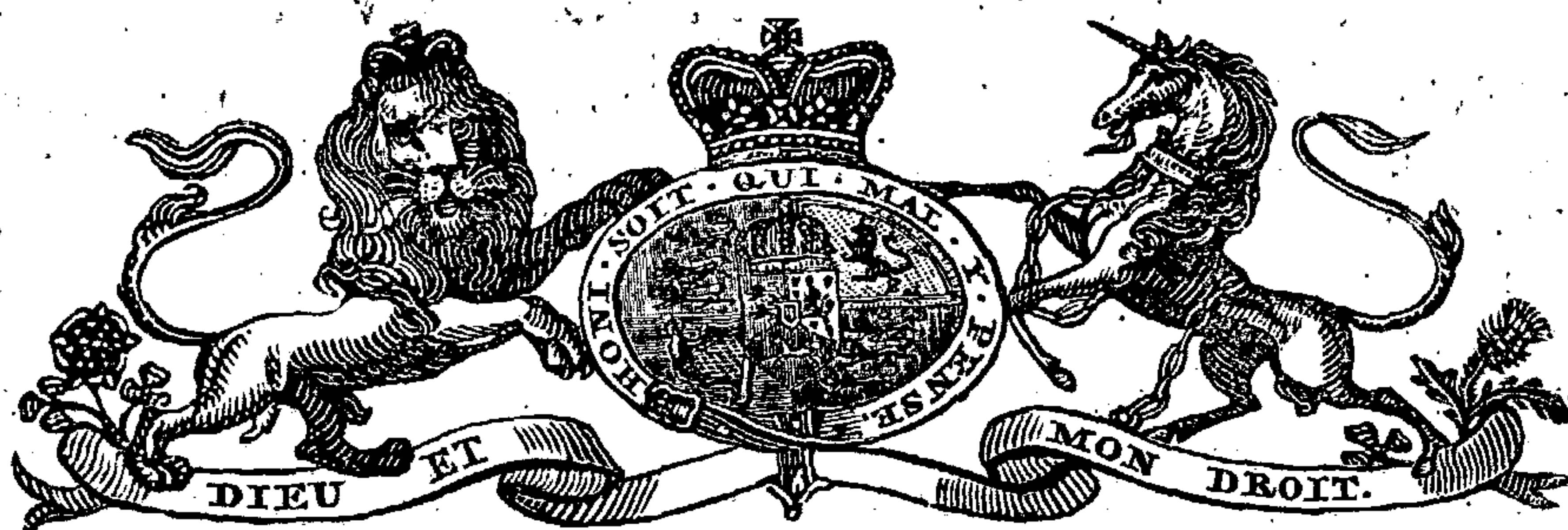




ANNO NONO

GEORGII IV. REGIS.

Cap. cxviii.

An Act for making and maintaining a navigable Cut or Canal from a Point at or near the *Blackrock* in the Harbour of *Tralee* in the County of *Kerry*, to *Croompanrickard* near the Town of *Tralee* in the said County; and for otherwise improving the said Harbour of *Tralee*. [15th July 1828.]

WHEREAS the Bay of *Tralee* does not at present afford any sufficient Harbour or adequate Security or Protection for the increasing Number of Vessels which frequent the same, and the making and completing a Ship Canal from the said Bay to the Town of *Tralee*, and otherwise improving the said Bay, would be of general Benefit, not only to the said Town of *Tralee* and County of *Kerry* generally, but also to the adjacent Parts of the Counties of *Limerick* and *Cork*, in facilitating the Export of Corn, Butter, Flour, Beef, Pork, Linen, Cattle, Kelp, the Importation of Timber, Iron, Salt, Tea, Sugars, Wines, and other Articles connected with the improving Trade of the said Town of *Tralee*, and would tend to the Promotion of Agriculture and Fisheries, as also the Employment of the Poor: And whereas several Persons have subscribed several Sums of Money for the Execution of the said Work, for the Support and Preservation of the Canal when completed, and for the Regulation of the Shipping that may use the same; but the same cannot be effectuated without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the [Local.]

Appoint-
ment of Com-
missioners.

the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That each and every Subscriber of Thirty Pounds or upwards towards the Execution of the said Works, his Heirs, Executors, and Assigns, or authorized Agent, also the Right Honourable Lord *Ennismore*, the Right Honourable *Maurice Fitzgerald*, *James Crosbie*, *Richard Chute*, *James O'Connell*, *Pierce Chute*, *Peter Thompson*, *Peter Foley*, *John Donovan*, *Edward Purcell*, *Richard Leyne*, *Michael Mulchinock*, *Francis Healy*, *John Mulchinock*, *Charles M^cMahon*, *Arthur Chute*, *Edward Hickson*, *Charles Copland*, and *William John Nelligan*, shall be and are hereby appointed and constituted Commissioners for the Purposes of this Act.

Power to
appoint addi-
tional Com-
missioners.

II. And be it further enacted, That it shall and may be lawful for the said Commissioners, at their First Meeting to be held as herein directed, or at any subsequent Meeting to be held for that Purpose, whereof Ten Days Notice shall be given in One Newspaper published in the County of *Kerry*, to elect and appoint any Number of Persons, not exceeding Seven in the Whole, to be also Commissioners for executing this Act, in addition to the Commissioners hereby appointed; and such Commissioners to be elected and appointed shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed by this Act.

The Com-
missioners to
be a Body
Corporate.

III. And be it further enacted, That from and after the passing of this Act the Commissioners for the Purposes of this Act shall be One Body Corporate, by the Name of "The Commissioners of the Harbour of *Tralee*;" and when any One or more of the said Persons in this Act mentioned by Name as Commissioners, or any Person or Persons to be hereafter elected, shall die or cease to be a Commissioner, then and in every such Case it shall and may be lawful to and for the Commissioners for the Time being, at any Meeting for the Purposes of this Act, to elect and appoint any fit Person or Persons to be a Commissioner or Commissioners in the Place of any such Person or Persons so then deceased or ceasing to be a Commissioner, so as to keep the Number of Commissioners equal to the Number appointed in the first Instance by or under this Act, or as near thereto as shall be judged expedient; and such Commissioners so to be called "The Commissioners of the Harbour of *Tralee*," shall by that Name have perpetual Succession, and One Common Seal, and shall and may sue and be sued in all Courts of Law and Equity in any Cause or Causes, or Suit or Suits, by or against them, and may take any Securities upon any Contracts by them for any Purpose authorized by this Act, and in the said Corporate Name as aforesaid, in order the more effectually carrying this Act into Execution, and shall and may in that Name take and purchase Lands, Tenements, and Hereditaments to them, their Successors and Assigns, to the Use of the said Undertaking.

Meetings
of Commis-
sioners.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to meet and assemble in the Town of *Tralee* for any of the Purposes in this Act, and that unless otherwise specially provided all Powers and

Authorities by this Act granted to the said Commissioners shall and may be exercised by the major Part of the Commissioners who shall attend at any Meeting to be holden in pursuance of this Act, the whole Number of the Commissioners present at such Meeting not to be less than Seven; and all the Acts, Orders, and Proceedings of the major Part of such Commissioners present at any Meeting for any Purpose whatsoever shall have the same Force and Effect as if the same were made or done by all the said Commissioners for the Time being; and at every Meeting of the said Commissioners a Chairman shall and may be appointed, and when and as often as it shall happen that there shall be an Equality of Votes on any Question, including the Vote of the Chairman, then and in every such Case the Chairman shall have and he is hereby empowered to give One additional decisive or casting Vote: Provided nevertheless, that if such Chairman so appointed shall quit or leave such Meeting before the Adjournment of the same, then and in such Case the remaining Commissioners present at such Meeting, not being less than Seven, shall and may nominate and appoint another Chairman, being a Commissioner present at such Meeting, and to replace the said former Chairman, and to preside at such Meeting as aforesaid during the Remainder of the Time of such Meeting, until the same shall be adjourned.

V. And be it further enacted, That the said Commissioners for the Execution of this Act shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and the Names of all such Commissioners as shall be present at the several Meetings; and all the Entries in such Books, being signed by the Chairman then present, shall be deemed Originals; and the said Entries, or Copies thereof respectively, duly attested by the Clerk of the said Commissioners for the Time being, and proved to have been compared with the Originals, and to be true Copies respectively, shall be allowed to be read as Evidence in all Causes, Prosecutions, Suits, and Actions, and shall be deemed and taken to be, to all Intents and Purposes, good and sufficient Evidence of all Matters required to be inserted therein, and of all Acts and Proceedings of the said Commissioners touching and concerning any thing done in pursuance of this Act, whether the Commissioners under this Act shall be Parties in such Cause, Prosecution, Action, or Suit, or not; and such Books shall, at all Meetings of the said Commissioners, and at all other reasonable Times, be kept open and liable to the Inspection of all and every the Commissioners, that any of the said Commissioners shall and may have and take Copies thereof.

Books to be kept and Entries to be regularly made.

Attested Copies to be Evidence in all Prosecutions.

VI. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time, and when and as often as they shall think necessary or expedient, at any such Meeting, to issue any Orders for the Payment of all Expenditures which they shall deem and judge to be necessary for carrying into Execution the Purposes of this Act, and to elect and appoint any Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, Harbour Master, and all such other Officers and Servants as they shall think proper for the Execution

Commissioners to make Orders for the Payment of Monies, and the Appointment and Removal of Officers.

cution of the several Matters necessary in the Execution of this Act, and to establish such Salaries and Allowances to be paid to all such Officers, and any of them respectively, as to the said Commissioners shall seem fit and reasonable, and the same to increase or diminish from Time to Time; and as often as it shall appear fit to the Commissioners for the Time being, to remove or dismiss such Officers or any of them, and to elect such others in their Stead as they shall think fit.

The Commissioners to take Securities for Treasurers, &c.

VII. And be it further enacted, That the said Commissioners shall be obliged, and they are hereby required, to take sufficient Security from the Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies to be received by them or Services to be performed by them in virtue of their said Offices, in such Sum as to the said Commissioners shall seem meet, so that no Loss shall arise to the said Corporation or Undertaking by Neglect or Insolvency.

No Commissioner to be a Contractor, or hold any Office in the Corporation.

VIII. And be it further enacted, That no Person who shall be a Commissioner under this Act shall, during the Time he shall be such Commissioner, hold any Place or Office of Profit or Emolument connected with the Execution of this Act, or enter into any Contract with the said Commissioners, or be Surety for any Person contracting with the said Commissioners; and if any Person being such Commissioner shall accept any Place or Office under this Act, or shall enter into or be concerned or interested in any Contract, or shall be Surety for any Person contracting with the said Commissioners, such Person shall cease to be a Commissioner from the Time of his Appointment to and Acceptance of such Place or Office, or of his entering into or being concerned in such Contract, or becoming Surety for any Person contracting with the said Commissioners, as the Case may be.

Clerk and Treasurer not to be the same Person.

IX. Provided always, and be it further enacted, That it shall not be lawful for any Commissioner to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks

or

or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for the Clerk, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

X. And be it further enacted, That each and every of such Clerk, Treasurer, Collector, or other Officer so to be appointed, shall, as often as they shall be thereunto required by the said Commissioners, or any Five or more of them, render and deliver unto the said Commissioners, or any Five or more of them, or to such Person or Persons as they shall appoint, distinct, true, and perfect Accounts in Writing, signed with their own Hands respectively, of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers or Persons respectively received by virtue of such Appointment or for or on account of the said Commissioners, and how much thereof hath been paid and applied, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain due and owing from them respectively to the said Commissioners, or any Five or more of them, or to such Person or Persons as they the said Commissioners shall from Time to Time direct; and if any such Officer or Person so appointed as aforesaid shall not render and deliver, signed with his own Hand, all and every such Statements and Accounts when thereunto required as aforesaid, or shall not produce and deliver up the Receipts or Vouchers relating to all Monies received or paid by him or them, or shall not pay the Monies in his Hands to such Commissioners, or any Five or more of them, or to such Person as the said Commissioners shall direct, or shall not deliver to such Commissioners, or to any other Person or Persons whom they shall direct, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, within Forty-eight Hours next after he or they shall have been required so to do by a Notice in Writing signed by any of the said Commissioners, or delivered to or left at the last or usual Place of Abode of such Officers, then and in either of the said Cases the said Commissioners may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against such Officer or Officers so neglecting or refusing as aforesaid, for the Recovery of the Money that shall be in the Hands of such Officer or Officers, or against the Person or Persons having become Securities for her or them; or such Commissioners, or any Five or more of them; or any other Person whom they shall direct for that Purpose, may complain of any such Refusal or Neglect as aforesaid to any Justice of the Peace for the County, City, Borough, or Place

Officers to
account.

[*Local.*]

32 T

wherein

wherein such Officer so neglecting or refusing shall be or reside; and such Justice may and is hereby authorized and required, by a Warrant under his Hand and Seal, to cause such Collector or other Officer so refusing or neglecting, and against whom such Complaint shall be made, to be brought before him, and upon his not appearing or not being to be found to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, or, being of the People called *Quakers*, upon Affirmation, (which Oath or Affirmation such Justice is hereby required to administer,) it shall appear to such Justice that any of the Monies that shall have been collected and received by any such Officer or Person shall remain due from such Officer or Person, then such Justice may and is hereby authorized and required, by a Warrant under his Hand and Seal, to cause such Money, and all Costs, Charges, and Expences incurred thereupon, to be levied by Distress and Sale of the Goods, Chattels, and other Effects of such Officer or Person respectively; and if no Goods of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the said Costs, Charges, and Expences of distraining, removing, or selling the said Goods, Chattels, and other Effects, and all such Costs and Expences as aforesaid, or if it shall in manner aforesaid appear to such Justice that such Officer or Person shall not have rendered such true and perfect Accounts, signed as aforesaid, or shall have detained any Receipts or Vouchers, Rates, Books, Papers, and Writings as aforesaid, then in each and every such Case such Justice shall commit every such Offender to the Common Gaol or House of Correction of the County, City, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall have rendered and delivered, signed as aforesaid, such true and perfect Accounts as aforesaid, and shall deliver as aforesaid all Receipts and Vouchers relating thereto, and shall have paid all Monies remaining in his Hands, or shall have compounded with the said Commissioners, or any Five or more of them, for all such Monies to their Satisfaction, and shall have paid the Amount of such Composition in such Manner as they shall approve, (and which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make and accept,) or until he shall have delivered up all such Books, Papers, and Writings aforesaid in his Custody or Power, or shall have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no such Collector or other Officer or Person so committed as aforesaid shall not be detained and kept in Prison by virtue of any such Warrant for any longer Space of Time than Six Calendar Months.

Proceedings
against Prin-
cipals not to
release Sure-
ties.

XI. Provided always, and be it further enacted, That no Prosecution or Commitment, Actions, Composition, Discharge, or other Proceedings against any Treasurer, Collector, or other Officer, by the said Commissioners appointed, shall in any Manner acquit, release, or discharge any Surety or Security that shall or may have been taken by or given to the said Commissioners for the due and faithful Execution of the Duties of such Appointment, or for the due and punctual Payment and Application of the Monies received by him or them in pursuance or by virtue of such Appointment, or for the proper

proper Observance and Performance by him of the Duties enjoined on any such Treasurer or Collector or other Officer by virtue of this Act, nor shall acquit, release, or discharge in any Manner any Person or Persons who shall have become bound for him or on his Behalf to the said Commissioners.

XII. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended under this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, without Fee or Reward; and the said Commissioners, or any Collector of the said Rates, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, or any Creditor on the said Rates, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in the Manner by this Act directed.

Books of
Accounts to
be kept.

XIII. And be it further enacted, That it shall and may be lawful for any Five or more of the Commissioners so appointed for the Purposes of this Act, by any Writing under their Hands, to authorize and empower their Clerk for the Time being, in case of any Default in the Payment of all or any Part of the several Sums subscribed or agreed to be paid by any of the Subscribers for the Purposes of this Act, to bring such Action, Suit, or Prosecution against any such Subscriber or Subscribers, as shall or may at any Time be deemed necessary for compelling the Payment of such Part or Parts of the Subscriptions as shall be so in arrear and unpaid as aforesaid, and to do any special Act, Matter, or Thing which the said Commissioners, or any Five or more of them, are by this Act authorized to do; and every Act, Matter, and Thing done by the said Clerk in the Execution of such Power and Authority, shall be as good and valid as if the same were done by the said Commissioners, or any Five or more of them.

Commission-
ers may sue
defaulting
Subscribers.

XIV. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized, immediately after the passing of this Act, or as soon after as they conveniently can or deem reasonable, to commence the cutting, making, forming, and completing, and to cut, make, join, excavate, and complete one Canal or Water Communication from the Tide and River Water in and of the said Bay of *Tralee* and the Channels and Shores of the same, upon or adjacent to the Lands of *Lohier Cannon*, and thence to continue the same Canal and Water Communication to the said Town of *Tralee* adjacent to or not far distant from that Part of the

Commission-
ers to make a
Canal from
the River
and Tide
Water in
Tralee Bay to
the Town,
and other
Works.

the said Town now called *Prince's Quay*; and also to cut, make, form, execute, and complete One or more Basin or Basins, Dock or Docks, Harbour or Harbours, for Shipping; and to maintain, preserve, and keep the said Canal or Water Communication, and every such Basin or Basins, Dock or Docks, Harbour or Harbours, and every Part thereof, and all the Bridge or Bridges, Locks, Sluices, Flood Gates, Banks, Walls, Mounds, and all and singular other the Works thereof, of what Nature or Kind soever, in proper and perfect Order, Repair, and Condition; and also to make any suitable or proper Alteration in the Course of the said Canal or Water Communication, or in the Depth or Breadth thereof, and in each and every such Basin and Basins, Dock and Docks, Harbour and Harbours; and also to form and maintain One or more Reservoir or Reservoirs of Water, and all proper and useful Quay and Quays, Wharfs, Landing Places, and Warehouses adjoining thereto, near the said Town of *Tralee*, or along or adjoining or near to the said Canal or Water Communication; and at all Times hereafter to obtain and procure such Water as may be necessary to or useful for the said Canal or Water Communication, as the said Basins, Docks, or Harbours, or any of them, from any Spring or Springs, Stream or Streams of Water, Brook or Brooks, River or Rivers, that may be suitable for such Purposes or convenient thereto, so that the said Canal or Water Communication, and all such Basins, Docks, and Harbours as aforesaid, may be made in all respects sufficient for loading and unloading, shipping and unshipping, landing and Conveyance of Goods, Wares, and Merchandizes of every Nature and Kind whatsoever.

Course of
the Canal.

XV. And be it further enacted, That the said Canal or Water Communication shall be made and cut in and through the Strand and Shore of the said Harbour into and through the Lands of *Loher Cannon*, *Ballyvelly*, and *Croompanrickard*, according to the Map or Plan herein mentioned.

For defining
the Limits of
the Harbour.

XVI. And be it further enacted, That for all the Purposes of this Act, and for the more exactly defining the Limits of the Harbour of *Tralee*, and for the more easily receiving and recovering the several Rates, Tolls, and Duties in and by this Act made payable and recoverable, the Harbour of *Tralee* and the Limits thereof shall be taken and considered to extend to comprise and be all that and those the Islands, Shores, Creeks, Rocks, Wharfs, or Landing Places, situate, lying, and being between the Shore or Beach immediately under *Kilgobbin Church* and *Blennerville Bridge*, on the South Side of said Bay or Harbour, and all that and those the several Islands, Shores, Creeks, Rocks, Wharfs, or Landing Places, situate, lying, and being between the small or lesser *Samphire Island* and *Blennerville Bridge* on the North Side of said Bay or Harbour of *Tralee*, and all that and those the Sea or Space lying or being between the said Northern and Southern Shores, Limits, and Boundaries.

Commission-
ers may alter
or extend the
Line of
Canal, and
straighten

XVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners for the Time being, at any Meeting of the said Commissioners pursuant to and according to the Directions of this Act, to alter or make straight, or enlarge

enlarge or deepen the Course or Stream of the River commonly called and known by the Name of the River *Lee*, running or flowing from *Tralee* to *Blennerville*, and the Sea adjoining or adjacent to the Line of the said Canal or Water Communication, or any Part or Parts or Point or Points, or in the entire Line from the said Town to the Sea at Low Water Mark, in order to facilitate the making or Preservation of the said Canal or Water Communication, or the preserving or more convenient using the same, or for preventing any Injury to the said Canal or Water Communication, or the Banks, Bankways, Roads, Mounds, Quays, Wharfs, Landing Places, or Warehouses of the same or any thereof.

the Course of the Lee to prevent Injury to the Canal.

XVIII. And whereas a Map or Plan, describing the Line or Course and Situation of the said Canal, Basin, and Harbour, and the Lands and Grounds in through, and upon which the same are respectively to be carried or made, together with a Book of Reference thereto, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands and Grounds, have been deposited at the Office of the Clerk of the Peace for the County of *Kerry*; be it therefore further enacted, That the said Maps or Plans and Books of Reference so deposited shall respectively remain with and be kept in the said Office of Clerk of the Peace; and all Persons interested in any Manner therein shall have Liberty to inspect and peruse and make or take Extracts from and Copies of the same, at all reasonable Times, paying to the said Clerk of the Peace for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference, after the Rate of Sixpence for every Seventy-two Words; and the said Maps or Plans and Books of Reference respectively, or true Copies thereof respectively, or of so much thereof respectively as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Plan and Books of Reference to remain with the Clerk of the Peace, and be open to Inspection.

XIX. And be it further enacted, That the said Commissioners, in making the said intended Canal, Basin, and Harbour, shall not deviate more than One hundred Yards from the Lines or Courses and Situations delineated in the said Maps or Plans.

Not to deviate more than 100 Yards.

XX. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Commissioners, or any Interruption be given to the making of the said Canal, Basin, Harbour, Dock, and other Works hereby authorized to be made, on account of any Error or Omission in the said Book of Reference, but it shall be lawful for the said Commissioners, by themselves, their Deputies, Agents, Officers, Surveyors, Servants, and Workmen, to enter into and upon and to take and use, for the Purposes of this Act, any Lands or Grounds set out and described in the said Maps or Plans, notwithstanding any such Error or Omission, in case it shall appear to Two or more Justices of the Peace acting for the County of *Kerry*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Omissions in Book of Reference not to impede making the Canal, &c.

XXI. Provided always, and be it further enacted, That in case the said intended Canal, Basin, Dock, Harbour, and other Works shall not be completed in Eight

If Canal, &c. not completed in Eight

Years, the
Powers here-
by given to
cease.

not have been completed and made within the Space of Eight Years, to be computed from the passing of this Act, then and in such Case, from and after the Expiration of the said Term of Eight Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Canal, Basin, Dock, Harbour, and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace for the County of *Kerry*, assembled at any Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Eight Years, or within Six Calendar Months next after the Expiration thereof; and it shall be lawful for such Justices to inquire respecting the Premises, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose, and such Justices shall declare and certify the same accordingly.

For compell-
ing Payment
of Subscrip-
tions.

XXII. And be it further enacted, That the several Persons who have subscribed for or agreed to advance, or who shall hereafter subscribe for or agree to advance, any Money for or towards making and maintaining the said Canal, Basin, Dock, Harbour, and other Works hereby authorized to be made, or for any the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively so subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Commissioners under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Commissioners, in manner herein-after mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in manner required for that Purpose, it shall and may be lawful for the said Commissioners to sue for and recover the same in any Court of Law or Equity.

Harbour
Dues to be
paid.

XXIII. And be it further enacted, That from and after the First *Monday* next after the passing of this Act, it shall and may be lawful for the said Commissioners, and such Person or Persons as they shall and may appoint, to demand, collect, and take, recover and levy the several Harbour Rates or Duties mentioned in the Schedule hereunto annexed, with the Letter (A.), on all Ships, Boats, Barges, or other Vessels using, coming into, or going out of the Harbour of *Tralee*, according to the Limits or Boundaries thereof herein mentioned, or using, coming into, or going out of the said Canal or Floating Dock or Basin, of and from all and every the Owners, Masters, or other Persons having the Rule or Command of such Ships, Boats, Barges, or other Vessels, or the Factors or Consignees thereof.

Tonnage
Duty how to
be ascertain-
ed.

XXIV. And be it further enacted, That the Master or Commander of every Ship, Boat, Barge, or other Vessel chargeable with the Tonnage Duty by this Act imposed, empowered to be collected, shall produce to the Person or Persons appointed to collect the Rates and Duties by this Act imposed the Custom House Register of the Burthen or Tonnage of such Ship, Boat, Barge, or other Vessel, if she shall be registered; and on Failure or Delay so to do, or in case the same when produced shall be deemed unsatisfactory, it shall be lawful

for the Person or Persons appointed to collect the Rates and Duties as aforesaid to admeasure such Ship, Boat, Barge, or other Vessel, according to the Directions of an Act passed in the Sixth Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for the registering of British Vessels.* 6 G. 4. c. 110.

XXV. And be it further enacted, That for the Purpose of ascer-
taining the Tonnage of Ships or Vessels, the Rule for Admeasurement shall be as follows; *videlicet*, the Length shall be taken on a straight Line along the Rabbet of the Keel from the Back of the Main Stern-post to a perpendicular Line from the Fore-part of the Main Stem under the Bowsprit, from which subtracting Three Fifths of the Breadth, the Remainder shall be esteemed the just Length of the Keel to find the Tonnage; and the Breadth shall be taken from the Outside of the Outside Plank in the broadest Part of the Ship, whether that shall be above or below the Main Wales, exclusive of all Manner of Doubling Planks that may be wrought upon the Sides of the Ship; then multiplying the Length of the Keel by the Breadth so taken, and that the Product by Half the Breadth, and dividing the Whole by Ninety-four, the Quotient shall be deemed the true Contents of the Tonnage.

Mode of Ad-
measurement
to ascertain
Tonnage.

XXVI. And, whereas it would in some Cases endanger Ships or Vessels to cause them to be laid on Shore, be it therefore enacted, That in Cases where it may be necessary to ascertain the Tonnage of any Ship or Vessel when afloat, according to the foregoing Rule, the following Method shall be observed; that is to say, drop a Plumb Line over the Stern of the Ship, and measure the Distance between such Line and the After-part of the Stern Post at the Load Water Mark; then measure from the Top of the Plumb Line in a parallel Direction with the Water to a perpendicular Point immediately over the Load Water Mark at the Fore-part of the Main Stem, subtracting from such Measurement the above Distance the Remainder will be the Ship's Extreme, from which is to be deducted Three Inches for every Foot of the Load Draught of Water for the Rake abaft, also Three Fifths of the Ship's Breadth for the Rake forward, the Remainder shall be esteemed the just Length of the Keel to find the Tonnage; and the Breadth shall be taken from Outside to Outside of the Plank in the broadest Part of the Ship, whether that shall be above or below the Main Wales, exclusive of all Manner of Sheathing or Doubling that may be wrought on the Side of the Ship, then multiplying the Length of the Keel for Tonnage by the Breadth so taken, and that Product by Half the Breadth, and dividing by Ninety-four, the Quotient shall be deemed the true Contents of the Tonnage.

Ascertaining
Tonnage
when Vessels
are afloat.

XXVII. Provided always, and be it further enacted, That each of the several Rules herein-before prescribed when used for the Purpose of ascertaining the Tonnage of any Ship or Vessel propelled by Steam, the Length of the Engine Room shall be deducted from the whole Length of such Ship or Vessel, and the Remainder shall for such Purpose be deemed the whole Length of the same.

For ascer-
taining the
Tonnage of
Steam Ves-
sels.

XXVIII. And

Duties on
Exports and
Imports.

XXVIII. And be it further enacted, That in addition to the Rates herein-before mentioned or referred to, there shall be paid to the said Commissioners, or to such Person or Persons as they shall appoint to collect and receive the same, for all Goods, Wares, Merchandizes, and Commodities whatsoever, imported or exported to or from the said Harbour or Canal, or Floating Dock or Basin, the Rates or Duties contained or specified in the Table or Schedule hereto annexed, marked with the Letter (B.), so far as such Goods, Wares, Merchandizes, and Commodities are particularized in the said Schedule of Rates or Duties; which said Rates or Duties shall be paid by the Merchant or Merchants, or other Person or Persons exporting or importing such Goods, Wares, Merchandizes, and Commodities, or into whose Custody or Possession the same shall be delivered, or by whom the same shall be shipped respectively, upon the Delivery or Shipment of the same respectively.

Commis-
sioners to fix
Duties pay-
able on
Articles not
enumerated
in Schedule.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to fix, appoint, settle, establish, and impose such Rates or Duties to be paid upon the loading or unloading, exporting or importing, and in respect of any Goods, Wares, Merchandizes, or Commodities not specified or enumerated in the said Table or Schedule marked with the Letter (B.) to this Act annexed, as they shall think fit, so as such Rates or Duties shall not exceed the Sum of Sixpence in every Two Shillings of the Amount of the Freight of such Goods, Wares, Merchandizes, or Commodities.

Goods
enumerated
to be gauged
or weighed
at landing.

XXX. And be it further enacted, That all such Goods, Wares, Merchandize, and Commodities as shall be imported or exported to or from the said Harbour of *Tralee*, and shall be chargeable with Duties according to the Weight or Measure thereof, shall be respectively weighed or gauged, as the Case shall require, immediately or as soon as may be after the same shall be landed or unshipped or shipped, and before any Samples from the same shall be taken for Sale.

A Table of
Rates to be
placed in a
conspicuous
Part of the
Harbour.

XXXI. Provided always, and be it further enacted, That a Table of the several Rates and Duties to be taken for the Use of the said Harbour, Piers, Quays, and other Works, shall be provided and fixed up in some conspicuous Part of the said Harbour, in legible Characters painted on Boards, and renewed from Time to Time whenever the same or any Part thereof shall be defaced, obliterated, or altered; and if any Person shall wilfully pull down, destroy, or deface, or obliterate any such Table or any Part thereof, such Persons for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds.

Duties may
be altered.

XXXII. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners to reduce and lessen the Rates and Duties to be levied under this Act, and again to raise and extend the same from Time to Time, provided that the same do
not

not at any Time exceed the Maximum of Rates and Duties by this Act granted.

XXXIII. And to the Intent that the Rates and Duties imposed by this Act may be more effectually collected and levied, be it enacted, That in case any Owner or Master, or any other Person or Persons having the Command or Rule of any Ship, Boat, Barge, or other Vessel, or any Factor or Consignee thereof, chargeable with Rates or Duties granted by this Act, shall refuse or neglect to pay the same, it shall and may be lawful to and for the said Commissioners, or the Collector or Collectors, or other Person or Persons appointed in pursuance of this Act to receive the same, to go on board such Ship, Boat, Barge, or other Vessel, to demand, collect, and receive the said Rates or Duties, and on Nonpayment thereof to take and distrain every such Ship, Boat, Barge, or other Vessel, and all the Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and all or any Part of the Goods, Wares, or Merchandizes in respect whereof such Rates or Duties shall be payable, either on board such Ship, Boat, Barge, or other Vessel, or on Land, and the same to retain until the respective Rates of Duties shall be satisfied and paid; and in case of any Neglect or Default in the Payment of the said Rates or Duties for the Space of Seven Days after any Distress or Distresses so made or taken, that then it shall be lawful to or for the said Commissioners, or such Collector or Collectors, or other Person or Persons appointed as aforesaid, to cause the same to be appraised by Two or more sworn Appraisers, or other sufficient Persons, and afterwards to sell the said Distresses, and out of the Produce of the Sale thereof to satisfy themselves or himself, as well for and in respect of their reasonable Charges in taking, keeping, appraising, and selling the same, as also for and in respect of the said Rates or Duties, and every of them, rendering the Overplus (if any such there be) to the Owner, upon Demand; and it shall and may be lawful for the said Commissioners, or such Collectors or other Person or Persons, in case of Nonpayment of the Rates and Duties as aforesaid, instead of recovering the same in manner as aforesaid, or in case the whole thereof shall not be so recovered, to proceed for the recovering of the same, or so much thereof as shall not be so recovered, by Action of Debt or on the Case in any Court of Record at *Dublin*.

Manner of
recovering
Rates and
Duties.

XXXIV. And be it further enacted, That if any Master or Commander, or other Person having the Care, Command, or Rule of any Ship, Boat, Barge, or other Vessel, shall anchor, moor, or make fast any Ship, Boat, Barge, or other Vessel, or permit any Ship, Boat, Barge, or other Vessel to lie at or against the outer or Southern Side of the Southern Bank of said Canal, or of the Road running or to run parallel with or alongside of the Southern Side of said Canal, he shall for every such Offence forfeit and pay the Sum of Ten Pounds, to be recovered and recoverable in such and the like Manner as the other Penalties by this Act imposed are made payable and recoverable.

Masters of
Ships, &c. not
to make fast
any Ship
against the
outer Side of
the Southern
Bank of
Canal.

XXXV. And be it further enacted, That if any Master or Commander, or other Person having the Care, Command, or Rule of any

[*Local.*]

32 X

No Goods to
be discharged
or shipped
Ship,

from the
Southern
Bank of
Canal.

Ship, Boat, Barge, or other Vessel, or the Owner, Consignee, or Factor of any Goods, Wares, or Merchandizes about to be discharged from or shipped on board of such Ship, Boat, Barge, or other Vessel, shall discharge from or ship on board of such Ship, Boat, Barge, or other Vessel, any Goods, Wares, or Merchandizes, at, upon, or against, or from the outer or Southern Side of the Southern Bank of said Canal, or of the Road running or to run parallel with or alongside of the Southern Bank of said Canal, he shall for every such Offence forfeit and pay the Sum of Ten Pounds, to be payable and recoverable in such and the like Manner as the other Penalties by this Act imposed are made payable and recoverable.

Penalty on
evading
Payment of
Rates.

XXXVI. And be it further enacted, That if any Master, Owner, or other Person having the Command or Rule of any Ship, Boat, Barge, or other Vessel, or the Owner, Factor, or Consignee of any such Goods, Wares, or Merchandize, shall by any Means whatsoever at any Time elude, evade, or avoid the Payments of the Rates or Duties hereby made payable in respect thereof, or any Part of the same, every Person eluding, evading, or avoiding Payment as aforesaid, shall forfeit and pay to the said Commissioners, Collector or Collectors, Person or Persons, a Sum equal to the Amount of the said Rates and Duties, and shall also stand charged with and be liable to the Payment of the said Rates and Duties; which Rates and Duties, as well as the Forfeiture incurred by having eluded, evaded, or avoided the Payment thereof, shall and may be recovered from such Master or Owner, Factor or Consignee, or such other Person having such Command or Rule respectively, at any Time within Twelve Calendar Months after such Rates or Duties should or ought to have been paid, in such and the like Manner as the Rates and Duties to be demanded and taken by this Act are directed to be levied and recovered.

Masters, &c.
of Ships, &c.
to give true
Accounts of
their Cargoes.

XXXVII. And for the better ascertaining and more easy and effectual collecting of the said Rates or Duties hereby directed to be paid, be it further enacted, That the Master or Owners, or other Person or Persons having the Care, Command, or Rule of any Ship, Boat, or Barge, or other Vessel coming into or going out of the said Harbour, or any Part thereof, shall give to the Collector or Collectors of the Rates or Duties, or to any other Officer to be appointed for such Purpose by the said Commissioners, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care, Rule, or Command of such Ship, Boat, Barge, or other Vessel, of the Qualities, Quantities, and Weight of the Goods and other Things which shall be embarked in or upon such Ship, Boat, Barge, or other Vessel, from whence brought, and for whom the same is intended; and if the Goods or other Things contained in any such Boat, Barge, or other Vessel shall be liable to the Payment of different Rates, then such Master or Owner, or other Person or Persons, shall specify the Quantities liable to the Rates or Duties; and in case he or they shall neglect or refuse to give such Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or Duties, or any Part of them, give a false Account,

Account, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every Ton of Goods or other Things, and so in proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Ship, Boat, Barge, or other Vessel respectively, of which or of whose Lading such Account, Invoice, or Bill of Lading shall be refused, or such false Account given, as the Case shall be, over and above the aforesaid respective Rates which shall be payable for the same.

XXXVIII. And be it further enacted, That if the Master or other Person having the Command or Rule of any Ship, Boat, Barge, or other Vessel, or any of the Crew of any Ship, Boat, Barge, or other Vessel, shall obstruct or prevent the said Collector or Collectors of the said Duties coming or having come into such Ship, Boat, Barge, or other Vessel, in order to demand, collect, and receive the said Duties which by this Act shall be due and payable, and for the Purpose of taking the Admeasurement of such Ship, Boat, Barge, or other Vessel, to ascertain the Tonnage Duty thereof, or for the Purpose of taking and keeping Possession of the same until Payment of the said Duties, or of making, taking, or selling such Distress as aforesaid, every such Person shall be liable individually, and shall forfeit and pay a Penalty not exceeding Ten Pounds, to be recovered in such and the like Manner as the Rates and Duties to be demanded and taken by this Act are directed to be levied and recovered.

Penalty for obstructing the Collector of Rates.

XXXIX. And be it further enacted, That if any Dispute shall happen about the Amount of the Rates or Duties, or the Charges of making, keeping, or selling any Distress, such Dispute shall be settled and determined by some Justice of the Peace for the said County of *Kerry*, who, upon Application made to him for that Purpose, shall examine the Matter on the Oaths of the Parties or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer,) and shall determine the Amount of the Rates and Duties due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Party or Parties directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling Disputes concerning the Duties.

XL. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to Ships, Vessels, or Boats belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service of the Customs or Excise or Post Office, using the said Canal or Harbour, or of any of the Officers or Persons employed therein respectively, or in the Service or Employ of the Admiralty, Ordnance, or Navy Board, or to any Naval or Ordnance Stores, or other Matters imported into or exported from the said Harbour for the Use of the Navy or Army, or to any Yachts

Vessels in His Majesty's Service, Revenue, Ordnance, Navy, &c. exempt from all Dues and Rate.

or

or Pleasure Boats or other Vessels belonging His Majesty or any other Member of the Royal Family.

Commissioners may farm and demise Duties and Rates.

XLI. And be it further enacted, That it shall and may be lawful for the said Commissioners to demise or let to farm all or any of the Duties arising by virtue of this Act, or to agree to demise or let to farm the same, for any Term not exceeding Three Years at any one Time, upon public Bidding, to the highest Bidder, and for the best Price or Rent such Commissioners can get for the same, payable quarterly in advance, or at such other Time or Times as the said Commissioners shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Commissioners shall think fit; and if the said Commissioners, at any Meeting for letting the said Duties, shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem most likely to create a *bona fide* and an advantageous Competition for the same; and at such Letting the Commissioners present shall have and be entitled to One or more Biddings for the said Duties, either by themselves or their Clerk or Treasurer, or other Person by them authorized, any thing in any Statute or Law to the contrary thereof notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Duties under this Act are directed to be applied; and the Lessee or Lessees of such Duties, and all such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Duties so let, shall during the Continuance of every such Lease be deemed Collector or Collectors of the Duties so let, and shall have the same Power and Authority for collecting and receiving the same as if he or they had been appointed for that Purpose by the said Commissioners; provided public Notice of the Intention to let the said Duties, or any Part thereof, be given by the said Commissioners in manner by this Act directed, at least Fourteen Days prior to any such Meeting at which the said Duties, or any Part thereof, are intended to be let as aforesaid.

Collectors of Customs or Revenue Officers not to discharge Vessels before Duties are paid.

XLII. And be it further enacted, That the Collector of His Majesty's Customs, or other Officer of Revenue, is hereby authorized to refuse to permit any Ship, Boat, Barge, or other Vessel, chargeable with Rates or Duties under this Act, to be entered inwards, outwards, or Coastwise, or any Commodities to be landed from or put on board of such Ship, Boat, Barge, or other Vessel, until he shall have received from the Collector or Collectors of the Rates and Duties aforesaid a Certificate of all such Rates and Duties having been paid in full, which Certificate such Collector or Collectors is and are hereby required to give, without Fee or Reward, upon Payment of such Rates or Duties.

Penalty on injuring Vessels, &c.

XLIII. And be it further enacted, That in case any Person or Persons shall wilfully cut, break, or in any Manner damage or destroy any Rope or other Thing by which any Vessel or Boat lying in the said

said Harbour, or Canal, or Floating Dock, or Basin, shall be moored or fastened, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, besides the Damage thereby occasioned.

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

Power to borrow Money from the Commissioners under 3 G. 4. c. 112.

[Local.] 32 Y Chief

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

Power to borrow Money from any other Persons for the Purposes of this Act.

XLV. And for the more speedily raising Money for defraying the Expences of this Act, and for carrying the several Purposes thereof into complete Execution, be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, at any Meeting to be holden under or by virtue of this Act, and they are hereby fully authorized and empowered, from Time to Time to borrow and take up at Interest such other Sum or Sums of Money, not exceeding in the Whole, together with the Sums which may be advanced under the said recited Act of the Third Year of His present Majesty, the Sum of Fifteen thousand Pounds, for the Purposes of this Act, upon the Credit of the said Rates or Duties, at any one Time, and by Writing under their Hands and Seals to mortgage and assign over the said Rates or Duties, or any Part thereof, to the Person or Persons who shall advance and lend such Money, as the Security for such Money to be borrowed, together with Interest for the same; and every such Agreement may be made in the Form and to the Effect following; (that is to say,)

Form of Assignment.

‘ WE of the Commis-
 ‘ sioners appointed to put in execution an Act of Parliament
 ‘ passed in the Ninth Year of the Reign of King *George* the Fourth,
 ‘ intituled [*here set forth the Title of this Act*], do by these Presents
 ‘ by virtue of the said Act, and in consideration of the Sum of
 ‘ advanced and lent to us by *A. B.* upon the
 ‘ Credit and for the Purposes of the said Act, grant and assign unto
 ‘ the said *A. B.*, his Executors, Administrators, and Assigns, the
 ‘ Rates or Duties arising by virtue of the said Act, or such Pro-
 ‘ portion thereof as the said Sum of doth
 ‘ or shall bear to the whole Sum which is or shall be advanced upon
 ‘ the Credit of the said Act, to be holden from this
 ‘ Day of until the said Sum of
 ‘ with Interest at the Rate of *per Centum per Annum*
 ‘ for the same, to be paid half-yearly, shall have been repaid and
 ‘ satisfied. In witness whereof we have hereunto set our Hands and
 ‘ Seals, this Day of in the Year
 ‘ of our Lord

And

And it shall be lawful for every Person or Persons entitled to any of the Securities for the Money advanced as aforesaid, by Writing under his or their Hand and Seal or Hands and Seals, indorsed thereon, to transfer the same to any Person or Persons in the Form or to the Effect following; (that is to say,)

Assignments may be indorsed to other Persons.

‘ I do assign the within Mortgage,
 ‘ and all my Right and Title in and to the Principal Money and
 ‘ Interests thereby secured, unto
 ‘ his Executors, Administrators, or Assigns. Dated the
 ‘ Day of

And a Copy of every Security or Assignment, together with an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all seasonable Times have free Access, and shall have Liberty to inspect the same, without Fee or Reward; and for entering every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Inrolment thereof whatsoever; and Persons to whom such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Duties, equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments.

Transfer of Assignments to be entered in the Books of the Commissioners.

XLVI. And be it further enacted, That in case the said Commissioners, or any Five or more of them, shall think it advisable to raise all or any Part of the said Sum by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person as shall be nominated by or on behalf of such Contributor at the Time of Payment of his or her Contribution or Purchase Money; and the Grant of every such Annuity may be according to the Form following; (that is to say,)

Commissioners may grant Life Annuities to raise Money.

‘ BY virtue of an Act passed in the Ninth Year of the Reign of King
 ‘ George the Fourth, intituled [*here set forth the Title of this Act*],
 ‘ We, being of the Commissioners appointed
 ‘ by the said Act, in consideration of the Sum of paid
 ‘ to

Form of Grant of Life Annuities.

‘ to us by _____ of _____ for the Purposes of
 ‘ the said Act, do hereby grant unto the said _____ his
 ‘ Executors, Administrators, and Assigns, one Annuity or yearly
 ‘ Sum of _____ out of the Rates and Duties arising by
 ‘ virtue of the said Act, which Annuity or yearly Sum of _____
 ‘ shall be paid to the said _____ his Executors,
 ‘ Administrators, and Assigns, at the House or Office of the Clerk
 ‘ to the said Commissioners, quarterly, upon the _____ Day
 ‘ of _____ the _____ Day of _____ the
 ‘ _____ Day of _____ in every Year during the natural
 ‘ Life of _____, the first Payment thereof to be made upon
 ‘ the _____ Day of _____ next ensuing the Date
 ‘ hereof. In witness whereof we have hereunto set our Hands and
 ‘ Seals, this _____ Day of _____ in the Year of our Lord _____.’

Rate of Life
Annuities
regulated.

48G.3.c.142.

52G.3.c.129.

XLVII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, and according to the Rate prescribed by Two several Acts, one made in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other made in the Fifty-second Year of His said Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His late Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*.

Monies borrowed to be repaid only on Six Months Notice.

XLVIII. Provided always, and be it further enacted, That no Sum or Sums of Money so lent and advanced on Mortgage as aforesaid shall be paid off and discharged (save and except with the Consent of the Person or Persons so lending and advancing such Sum or Sums of Money), unless Six Calendar Months previous Notice, signed by the Clerk to the said Commissioners, shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, of such their Intention to pay off and discharge the same.

Commissioners may contract with Owners of Lands, &c. near the Harbour.

XLIX. And be it further enacted, That the said Commissioners shall have full Power and Authority to contract and agree with the Owner or Owners of such Lands, Grounds, Buildings, or Hereditaments near or adjoining the said Harbour, and within the Limits prescribed by the Map or Plan so as aforesaid deposited in the Office of the Clerk of the Peace, as they shall think proper or necessary to make use of in and about the said Harbour, Haven, or Piers, for the Purpose of enlarging, adding to, or improving the same, or otherwise for the Uses or Purposes of this Act.

Bodies Politic, &c. empowered to sell and convey Lands.

L. And be it further enacted, That after any Lands, Grounds, Buildings, or Hereditaments shall be set out and ascertained for the Purposes aforesaid, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants

Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Husbands, Guardians, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Feme Covert, or other Person or Persons, and to and for all Feme Coverts who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, Tenements, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Commissioners; and all such Contracts, Sales, Conveyances, and Assurances shall be made at the Expence of the Commissioners, and be paid out of the Monies which shall be collected and received by virtue of this Act, and shall be made according to the Form following, or as near thereto as the Circumstances of the Case will admit; (that is to say,)

‘ I of the Sum of _____ of _____ in consideration Form of
 ‘ _____ to me paid by the Commis- Conveyance.
 ‘ sioners, all _____ and all my Right, Title, and Interest
 ‘ to and in the same, and every Part thereof, to hold to the said Com-
 ‘ missioners and their Successors for ever, by virtue and according
 ‘ to the true Intent and Meaning of an Act passed in the Ninth
 ‘ Year of the Reign of His Majesty King *George* the Fourth, intituled
 ‘ [here set forth the Title of this Act]. In witness whereof
 ‘ hereunto set _____ Hands and Seals this _____ Day of
 ‘ _____ in the Year of our Lord _____’

And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interest whatsoever; and such Conveyances or Assurances shall be kept by the Clerk or Clerks to the said Commissioners, who shall from Time to Time, when thereunto required, deliver attested Copies thereof to any Person or Persons requiring the same and being interested therein, and shall have and receive Sixpence for every Seventy-two Words of each such attested Copy, and so in proportion for any greater or less Number of Words.

LI. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees and other Persons herein-before capacitated to sell or convey Lands, Tenements, and other Hereditaments, and any other Owner or Owners, and the Occupier and Occupiers of any Lands, Tenements, or other Hereditaments, in, upon, or over which the said Harbour, Piers, Quays, Wharfs, or other Works hereby authorized are intended to be made, shall and may accept Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and for Damages to be sustained by making and completing the said Works, in gross Sums, as shall be
 [Local.] 32 Z agreed

Bodies Po-
 litic, &c. may
 receive
 Compensa-
 tion for
 Damages.

agreed upon by and between the said Parties interested respectively, or any of them, and the said Commissioners.

Damages not provided for to be settled by a Jury.

LII. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or Hereditaments, by reason of the Execution of any of the Powers given by this Act, and through or by any Means not herein provided for, then and in every such Case such Damages shall be settled by the said Commissioners, or by a Jury as herein-after mentioned, and the Amount of such Damages may be recovered, levied, and applied in manner herein directed with regard to other Damages; and in every such Case the said Commissioners, or any Five or more of them, are hereby empowered and required to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County, commanding him to summon a Jury in manner herein-after mentioned.

If Parties cannot agree as to the Value of Lands to be purchased, the same to be ascertained by a Jury.

LIII. Provided always, and be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or entitled as aforesaid, shall, upon Notice in Writing given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands, Tenements, or Hereditaments which the said Commissioners are hereby enabled to purchase and to make use of for the Purpose of this Act, for the Space of Fifteen Days next after such Notice, neglect or refuse to treat or shall not agree with the said Commissioners, or shall not, within the before-mentioned Space of Fifteen Days, produce and fully disclose the State of the Title to the Premises of which they are or shall be in Possession, and to the Interest which they shall claim therein, then and in every such Case it shall be lawful for the said Commissioners and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of *Kerry*, commanding him to return and impanel a Jury of Twelve Persons; and the said Sheriff is hereby required to summon and choose a Jury accordingly, in the Manner in which Juries are or may be summoned and chosen by the Sheriffs of Counties in *Ireland*; and every such Jury shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts in *Dublin*; and all Parties concerned may have their lawful Challenge against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff is hereby empowered and required, by a Summons or Notice under his Hand, either previous to or at the Time of such Meeting or Meetings, to summon and call before such Jury all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and to hear and examine such Witness or Witnesses upon Oath; and the said Sheriff may authorize the said Jury, or any Six or more of them, to view the Place or Places, Matter or Matters in question; which Jury upon

their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, he is hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damage that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record in *Dublin*, or any other Court; any Law or Statute to the contrary thereof notwithstanding.

LIV. And be it further enacted, That if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner shall wilfully neglect his Duty contrary to the true Intent of this Act, having no reasonable Excuse, to be allowed by the said Sheriff, or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a Sum of his, her, or their Costs and Expences, or appearing shall refuse to be sworn or examined or to give Evidence, then and in any such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be levied, by virtue of any Warrant under the Hand and Seal of the said Sheriff, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering the Overplus (if any) to such Person, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty shall go and be paid to the Person or Persons who shall appear to the said Sheriff to be injured by the Default of such Person so offending.

Penalty on
Juryman or
Witness not
attending.

LV. And be it further enacted, That in any Case in which any Jury shall give or deliver a Verdict for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands, Grounds, Messuages, Tenements, or Hereditaments, or for any Loss or Damage to be by them sustained, than what shall have been offered by the Commissioners for the Execution of this Act, or their Treasurer, Clerk, Surveyor, or other Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any Right, Interest, Property, Loss, or Damage as aforesaid, then and in such Case the Costs and Expences of summoning the said Jury and summoning and maintaining Witnesses shall be borne and paid by the Treasurer to the said Commissioners out of any Money to arise by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Sixty Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any of the Goods and Chattels vested in the said Commissioners, or of any of the Goods and Chattels of the said Commissioners in Possession of the Treasurer to the said Commissioners, under a Warrant to be issued for

How Ex-
pence of
Juries shall
be paid.

for that Purpose by any Justice of the Peace for the said County of *Kerry*, which Warrant any such Justice or Justices is hereby authorized and empowered to issue under his Hand and Seal, on Application made to him for that Purpose by the Party or Persons entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been offered by or on behalf of the said Commissioners as aforesaid, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then the one Moiety of such Costs and Expences of summoning the said Jury, and summoning and maintaining the said Witnesses, and all Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, and the other Moiety thereof shall be paid by the said Commissioners; which said Costs and Expences to be borne and paid by the Person or Persons with whom such Commissioners shall have such Controversy or Dispute, having been ascertained and settled by some Justice of the Peace for the said County, not personally interested in the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed for the Parties interested therein to attend him for that Purpose, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so adjudged or assessed; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Treasurer to the said Commissioners by such Ways and Means as are herein-after provided for Recovery of the Penalties and Forfeitures imposed by virtue of this Act: Provided always, that in all Cases where any Valuation shall have been had or made as aforesaid, by reason of the said Commissioners not knowing or not being able to find the Person or Persons entitled to any such Premises, then and in such Case all such Expences shall be borne and paid by the said Commissioners out of the Money to be raised or received under and by virtue of this Act.

Application
of Consider-
ation Monies
when
amounting
to 200*l.* and
upwards.

LVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, Hereditaments, or Premises purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustees, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, be with all convenient Speed paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account *ex parte* the Commissioners of the Harbour of *Tralee*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition
to

to be preferred in a summary Way by the Party or Parties who would have been entitled to the Rents and Profits of the said Hereditaments, towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Hereditaments, standing and being settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be taken or purchased for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlements shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Stock; and in the meantime, and until the said Government Stock shall be ordered by the said Court to be sold for the Purposes aforesaid, the Interest or annual Produce of the said Government Stock shall from Time to Time be paid, by Order of the said Court, to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the said Hereditaments so hereby directed to be taken or purchased, in case such Purchase or Settlement were made.

LVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, Hereditaments, or Premises purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Party or Parties for the Time being entitled to the Rents and Profits of the said Hereditaments, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account in manner aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the Option of Two Trustees to be named by the Party or Parties making such Option, and approved of by the Board of Directors of the said Company, such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Party, in order that such Principal Money, and the Interest or Produce to arise thereon, may be applied in manner herein-before directed, as far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When less
than 200*l.*
and above
20*l.*

When less
than 20l.

LVIII. Provided also, and be it further enacted, That where such Money so agreed and awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Hereditaments, or Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardians or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
Refusal to
accept, or of
defective
Title, the
Money to be
paid into the
Bank.

LIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be ordered to be paid as aforesaid for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments, or for any Recompence or Compensation for Damages under or by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Grounds, Messuages, Tenements, or Hereditaments be not known or discovered, or if by reason of Disputes or Differences, or Defect of Evidence, it shall not appear to the said Commissioners or Jury what Person or Persons is or are entitled to the Premises in question, then and in every such Case it shall and may be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Grounds, Messuages, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds in *Ireland*, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Titles, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Ireland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Upon Ques-
tions of Title
between Par-

LX. Provided always, and be it further enacted, That when any Question shall arise touching the Title or Titles of any Person or
Persons

Persons to any Money to be paid into the Bank of *Ireland* in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Grounds, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Grounds, Messuages, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Government Stock to be purchased with any such Money, or to the Dividends or Interest of any such Stock, the Person or Persons who shall have been in Possession of such Lands, Grounds, Messuages, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Grounds, Messuages, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Stock to be purchased with such Money, and also the Capital of such Stock, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Grounds, Messuages, Tenements, or Hereditaments, or to some Estate or Interest therein.

ties, the Person in Possession to be considered entitled, &c.

LXI. And be it further enacted, That upon Payment or Tender of the Money so contracted or agreed or awarded to be paid for the Purchase of such Lands, Tenements, or Hereditaments, by the said Commissioners to the Party or Parties respectively entitled to the same, or to their Agents, or upon Payment thereof into the Bank of *Ireland* for the Purpose of being disposed of in manner herein-before directed (as the Case may be,) within One Calendar Month after the same shall be so contracted or agreed or awarded to be paid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or in Equity, of the Party and Parties and Person and Persons respectively, to whom or for whose Use the same shall be paid, in, to, or out of such Lands, Tenements, or Hereditaments, shall vest in the said Commissioners or their Successors for ever, for effecting the Purposes of this Act, and the said Commissioners shall immediately thereupon be deemed in Law to be in the actual Seizure or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if the Person having any Estate in the Premises had actually conveyed and assured the same Lands, Tenements, and Hereditaments unto the said Commissioners, their Successors and Assigns, conformably to the Directions and according to the Form herein-after prescribed.

Upon Payment of the Purchase Money, Premises shall vest in the Commissioners.

LXII. And whereas the Commissioners for executing this Act may be seised of some Piece or Pieces of Ground over and above what may be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners from Time to Time to sell and dispose of any such Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract; as they find most advantageous and convenient, to such Person

Resale of Surplus Land.

or

or Persons as shall be willing to contract for and purchase the same.

First Offer of
Sale of Land
to be made to
the Person
from whom
the same shall
have been
purchased.

LXIII. Provided always, and be it further enacted, That in case the said Commissioners shall think proper to sell or dispose of all or any of the same Lands, Tenements, or Hereditaments, or any Part or Parts thereof, as may not be necessary to be made use of for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons from whom the same shall have been purchased, or who shall have given or conveyed the same unto the said Commissioners; and if such Person or Persons shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof,) to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery in *Ireland*, or before One of His Majesty's Justices of the Peace for the said County of *Kerry*, (who are hereby respectively empowered to take such Affidavit,) by some Person or Persons no way interested in the said Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was then and there refused or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Lands, Tenements, or Hereditaments, and he, she, or they, and the said Commissioners, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be settled and ascertained by a Jury in such and the like Manner as any Sum or Sums of Money to be paid by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments is or are herein directed to be settled and ascertained in case of any Difference or Dispute about the same, and the same shall be recovered, levied, and applied in such and the like Manner; and the Costs and Expences of hearing and determining such Differences shall be borne and paid in like Manner as herein-before directed, *mutatis mutandis*, and all the Money to arise by such Sale, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Purchase Money.

Power to
Commis-
sioners to
contract with
Engineers,
&c.

LXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to contract or otherwise agree with any fit and proper Persons, Engineers, Surveyors, Artificers, Workmen, and others, for the making, doing, completing, and finishing the said Canal, and all or any of the Quays, Piers, Walls, Docks, Basins, Reservoirs, Cuts, graving or building Slips, Erections, Roads, and Works requisite to be done and performed, as they shall think proper; and every Contract to be made for the Purposes aforesaid shall be binding on the said Commissioners, and also upon the Person or Persons contracting to perform any of the Works aforesaid; and in case any such Work shall

shall not be well and sufficiently done and performed according to such Contract, the said Commissioners may cause an Action to be brought in any of His Majesty's Courts of Law against any such Contractor, either for a specific Performance of such Contract, or for any Penalty contained therein, or for any Damages sustained by reason of the Nonperformance.

LXV. And be it further enacted, That if any Person shall wilfully obstruct or hinder any Surveyor, Engineer, Workman, or Labourer employed by the said Commissioners for the Purposes of this Act, in the Performance of his, her, or their Duty or Employment in the Execution of this Act, every Person so offending shall forfeit and pay for each and every such Offence any Sum not exceeding Ten Pounds.

Penalty for obstructing Workmen.

LXVI. And be it further enacted, That from and after the First Day of *August* it shall and may be lawful for the said Commissioners for the Purposes of this Act, and their Successors, or any Seven of them, at a Special Meeting to be convened for that Purpose, from Time to Time to appoint an experienced Mariner or other qualified Person to act as Harbour Master within the said Harbour, and to remove any Harbour Master so appointed, and to appoint another in his Room or Stead, as they shall see fitting; and it shall and may be lawful for the said Commissioners, as they shall think fitting and expedient, to lay down Moorings and Buoys, and erect and set up Landmarks and Beacons, in any Place or Places in the said Bay or Harbour, or adjoining Lands, between the small *Samphire Island* and the Entrance to the said Canal, for the Guidance and Safety of all Ships and Vessels entering the said Harbour and Canal.

Power to appoint a Harbour Master.

LXVII. And be it further enacted, That it shall and may be lawful for the said Commissioners for the Purposes of this Act, out of the Duties of Tonnage made payable under this Act, to pay to the said Harbour Master that may be hereafter appointed, such Salary and Allowance as to the said Commissioners shall appear competent and sufficient for the Performance of his or their Duties under this Act; and if the said Harbour Master shall directly or indirectly ask or demand, or take or receive any Fee, Gratuity, or Reward for the Performance of his Duty under this Act, or under Pretext or Pretence of any Act done by him in execution of this Act, over or beyond such Salary or Allowance as aforesaid, such Harbour Master shall for every such Offence forfeit the Sum of Twenty Pounds, together with Double the Amount of such Fee, Gratuity, or Reward.

Harbour Master to be allowed a Salary, but not to take Fees.

LXVIII. And be it further enacted, That the said Commissioners do and shall, as soon as conveniently may be after the First Day of *September*, and from Time to Time thereafter, provide Ballast for all Ships and Vessels wanting or requiring Ballast within the said Port, and furnish the same to such Ships and Vessels at the Rate specified in the Schedule marked (C.) to this Act annexed, within Twenty-four Hours after a Requisition or Notice in Writing shall be given for that Purpose by the Commanders or Masters of such Ships or other Vessels to the Person who shall from Time to Time act as Harbour Master under the said Commissioners, or to be left at the Ballast

Commissioners to provide Ballast.

[Local.]

33 B

Office

Office to be established by the said Commissioners, so soon as Wind and Weather shall permit the same to be done, and in case Wind or Weather shall not within such Twenty-four Hours permit the same to be done, then the said Commissioners, or the proper Officers who shall act under the said Commissioners for that Purpose, shall furnish or cause to be furnished such Ballast to such Ships or Vessels respectively as soon after as Weather shall permit them so to do, such Ballast to be provided as aforesaid to be thrown into such Ships or Vessels by the Persons employed by the said Commissioners for that Purpose: Provided always, that when and as soon as One or more Wharf or Wharfs, Quay or Quays, shall be provided, built, or erected for the saving and storing of Ballast by the said Commissioners, and there shall be a sufficient Quantity of Ballast in or upon such Wharf or Wharfs, Quay or Quays, for supplying any Ship or Vessel wanting the same, it shall and may be lawful to and for the said Commissioners, or the Officer or Officers to be appointed by them for that Purpose, to order and direct, at their Discretion, any Ship or Vessel requiring Ballast as aforesaid to go alongside of such Wharf or Wharfs, Quay or Quays, providing such Ship or Vessel can conveniently and with Safety lay her Side to such Wharf or Wharfs, Quay or Quays, and take in such Ballast from the Side or Sides thereof.

Ballast not to be taken in or discharged without Authority from Commissioners.

LXIX. And be it further enacted, That if the Master or Commander of any Ship or Vessel which shall be in the said Harbour of *Tralee*, or in the said Canal or Basin, shall take or permit or suffer to be taken into such Ship or Vessel any Ballast whatsoever from any Person or Persons, save only such Person or Persons as shall be thereunto appointed by the said Commissioners, or shall permit or suffer any Ballast whatsoever to be taken from such Ship or Vessel, save only by such Person or Persons as shall be thereunto appointed by the said Commissioners, or cause the same to be thrown from any Ship or Vessel to supply any other Vessel or Ship, or to be thrown out of any Ship or Vessel, Lighter, or Gabbard or Boat into the said Harbour, or into the said Canal or Basin, or within Five hundred Yards of the Sea Lock at the Entrance of the said Canal, or in or within Five hundred Yards of the Channel leading to the said Sea Lock or Canal, or shall, under the Pretence of the same, take in or put out of any Ship or Vessel arriving at or sailing from the said Port or Harbour of *Tralee*, any Street Dirt, Coals, Ashes, Dung, Manure of any Kind, Stones, Gravel, or Rubbish, or Matters of the like Nature, without having first obtained from the Commissioners aforesaid Licence under their Seal for that Purpose, then and in every such Case the said Master or Commander, or other Officer, and the Person or Persons who shall deliver to or take from or throw out of any such Ship or Vessel, Lighter, Gabbard, or Boat, any such Ballast, Street Dirt, Coal, Ashes, Dung, Manure, Gravel, Stones, or Rubbish, or Matters of such like Nature as aforesaid, shall for every such Offence forfeit and pay to the Use of the said Commissioners any Sum not exceeding Ten Pounds, to be recovered as herein is provided.

Pilots to be appointed.

LXX. And in order that proper and skilful Persons may be appointed Pilots for conducting Ships and Vessels to and from the said Port and Harbour of *Tralee*, be it further enacted, That it shall

shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to examine and inquire into the Skill and Ability of all and every Person or Persons who shall tender or offer himself or themselves to be admitted as a Pilot or Pilots for the said Port and Harbour and Parts adjacent; and if upon due Examination the Person or Persons so offering himself or themselves as a Pilot or Pilots for such Port or Harbour shall be found well qualified, and shall be approved of by the said Commissioners, the said Commissioners shall appoint such Number of the Persons so examined as they shall deem sufficient to be Pilots for the said Harbour and Parts adjacent, and shall grant to each of them a Licence to act as Pilots within the said Port and Harbour of *Tralee* and Parts adjacent, which Licence shall contain the Name, Age, and Place of Abode of the Persons so licensed, and shall certify that he is duly qualified to conduct Ships and Vessels in and out of the said Port and Harbour of *Tralee*, and such Licence shall be subscribed with the Names and in the proper Handwriting of any Five or more of the said Commissioners; and every such Person so receiving such Licence shall from thenceforth be deemed fully qualified to exercise and follow the Occupation or Business of a Pilot for the said Port and Harbour of *Tralee*, and for every such Licence the Sum of Five Shillings shall be paid, and no more; and such Licence shall continue and be in force for and during the Term of Two Years from the Date thereof.

LXXI. And be it further enacted, That if any Person or Persons whatsoever, not being so licensed as aforesaid, shall from and after such Licences shall have been granted by the said Commissioners as aforesaid, take upon himself or themselves to act as a Pilot in conducting any Vessel into or out of the said Port and Harbour, after any Pilot so licensed as aforesaid shall have offered himself for that Purpose, then and in every such Case the Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds; provided that nothing herein contained shall be construed to extend so as to subject any Person or Persons whomsoever to any Penalties or Forfeitures by this Act imposed, for aiding or assisting any Ship or Vessel in Distress.

None to act
as Pilots
without
Licence.

LXXII. And be it further enacted, That if any Pilot so licensed as a Pilot shall refuse or neglect to take the Charge or Conducting of any Ship or Vessel outward bound, upon proper Notice being first given to such Pilot, or if any such Pilot plying between *Kerry Head* and the Harbour of *Tralee*, upon a Gun being fired or Ensign hoisted, or other usual Signal given from any Ship or Vessel, or in case such Ship or Vessel cannot be boarded without imminent Danger, if such Pilot shall refuse or neglect to lead the Way or precede such Ship or other Vessel with his Boat, every such Pilot shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Pilot neglect-
ing Duty.

LXXIII. And be it further enacted, That in case it shall appear to the said Commissioners that any Pilot or Pilots so licensed as aforesaid shall have misbehaved himself or themselves in the conducting of any Ship or Vessel, or in the Execution of any other Part

Pilot mis-
behaving to
forfeit Li-
cence, &c.

Part

Part of his or their Duty as a Pilot or Pilots, or if any such Pilot or Pilots shall refuse to obey any Summons of the said Commissioners, then and in every such Case it shall and may be lawful for the said Commissioners, upon Examination thereof, to recall the Licence or Licences of such Pilot or Pilots respectively, and to declare the same to be null and void, or to suspend such Pilot or Pilots for and during such Time as to them may seem proper; and if any Pilot or Pilots, whose Licence or Licences shall have been so recalled, or who shall have been suspended as aforesaid, (Notice in Writing having been given to him or them, or left at his or their usual Place of Abode,) shall presume to act as a Pilot or Pilots in conducting any Ship or Vessel out of or into the said Port or Harbour, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

No Vessel
of less than
30 Tons to
take a Pilot.

LXXIV. Provided always, and be it further enacted, That nothing herein contained shall be construed to extend so as to require any Ship or Vessel of less than Thirty Tons Burthen to take any such Pilot or Pilots.

Outward-
bound Ves-
sels to give
Security to
Pilot before
departure.

LXXV. And be it further enacted, That if any Person so licensed as aforesaid shall be desired by any Master or Commander of any Ship or Vessel in the said Port or Harbour outward bound, to take the Charge or Conduct of any Ship or Vessel, it shall and may be lawful to and for such Pilot, previous to his taking such Charge or Conduct, to demand the Payment of a sufficient Security from such Master or Commander for the Payment of such Pilotage outward, according to the Rates and Prices set forth in Schedule (D.), or as shall be fixed by the said Commissioners in pursuance of the Directions of this Act; and if such Master or Commander shall refuse to pay such Rates and Prices, or give such Security for the Payment thereof, then and in such Case it shall and may be lawful to and for such Pilot to refuse the Charge or Conduct of such Ship or Vessel, without being subject to or incurring any of the Penalties inflicted by this Act on Pilots refusing to take the Charge or Conduct of any Ship or Vessel as aforesaid.

To prevent
Injury to
Works.

LXXVI. And for preventing any Injury being done to the said Canal, Locks, Banks, Basins, Quays, Reservoirs, Bridges, Machines, Erections, Buildings, Roadways, or other Works whatsoever to be erected or made by virtue of this Act, or any Part thereof, or any Works erected in pursuance of this Act, or to Ships, Boats, Barges, or other Vessels within the Canal or Basin; be it further enacted, That every Harbour Master to be appointed by the said Commissioners shall and may and he is hereby authorized and empowered from Time to Time to order and require all Persons having the Care, Command, or Rule of any Ship, Boat, Barge, or other Vessel entering into or being within the said Canal or Basin, to lie, anchor, moor, and place such Ship, Boat, or other Vessel in such Place or Places within the said Harbour, and in such Manner as the said Harbour Master shall from Time to Time order and direct, so that no undue Preference shall be given to any Person in the mooring or removing any Ship, Boat, Barge, or other Vessel, on any

Pretence

Pretence whatsoever; and in case any Person having the Care, Command, or Rule of any Ship, Boat, Barge, or other Vessel, shall wilfully lay, anchor, moor, or place any Ship, Boat, Barge, or other Vessel, contrary to the Orders and Directions of the Harbour Master so appointed as aforesaid, or if any Person shall empty or throw any Stones, Ballast, Earth, or Rubbish, or any other Thing, into any Part of the said Canal or Basin, or into the Channel leading to said Canal, to the Prejudice thereof, any Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person shall take, remove, or carry away any Ballast, Shingle, or Stones from the said Harbour, or from the said Canal or Basin within the Boundaries thereof, without the Consent of the said Commissioners or their Surveyor or Harbour Master, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

LXXVII. And be it further enacted, That no Gunpowder, Pitch, Tar, Rosin, Hemp, Flax, Faggot, or Furze, Brandy or other spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or any other inflammable or combustible Matter or Thing whatsoever, shall be suffered to be or remain on any Quay, Pier, or Wharf belonging to the said Canal, or upon the Deck of any Ship, Boat, Barge, or other Vessel within the said Canal or Basin, above the Space of Twelve Hours after having passed the Custom House Officers, and the Owner or Owners therefore shall and they are hereby required to remove the same from such Place or Places within the Space of Twelve Hours, and in case the same cannot conveniently be removed before Sunset, then the Owner or Owners thereof shall be obliged, and he and they is and are hereby required, to set and employ at his or their own Expence such a Number of careful and sober Persons to guard and watch over the same for such and so many Hours, from Sunset to Sunrise, as the said Commissioners or the Harbour Master, Collector or Collectors, or other Person or Persons by them authorized, shall specify and direct; and in case any such Owner or Owners, or the Person or Persons having the Command of any Ship or Vessel as aforesaid, shall make Default in the Premises, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and in addition thereto shall pay all Damages occasioned by his or their Default.

Inflammable Materials not to remain on the Quay or Wharf beyond a limited Time.

LXXVIII. And be it further enacted, That if any Fire or Candle shall be found lighted or burning on board of any Ship, Boat, Barge, or other Vessel lying at or within the said Canal or Basin, between the Hours of Eight in the Evening and Six in the Morning, from the Twenty-ninth Day of *September* to the Twenty-fifth Day of *March*, or between Nine in the Evening and Four in the Morning, from the Twenty-fifth Day of *March* to the Twenty-ninth Day of *September*, the Master or other Person or Persons having the Care, Rule, or Command of any such Ship, Boat, Barge, or other Vessel, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Fires, Candles, &c. not to be lighted in the Vessels within certain Hours.

Punishing
Persons
destroying
Works.

LXXIX. And be it further enacted, That every Person or Persons whosoever who shall at any Time or Times hereafter wilfully or designedly demolish, break down, or damage the said Wharfs, Warehouses, or any of the Buildings which are or shall be constructed on or which shall belong to the said Dams or Embankments, or the Locks, Docks, Piers, Quays, Basins, Reservoirs, Bridges, Wharfs, Machines, Erections, Buildings, Roadways, or other Works whatsoever to be erected or made by virtue of this Act, or any Part thereof, or any Works to be erected in pursuance of this Act, or who shall wilfully do any Damage to any of the Shipping or Goods within the same, or who shall wilfully or designedly extinguish or put out any of the Lights or Fires used in or belonging to the said Harbour, for the Safety and Protection of the Ships, Boats, Barges, or other Vessels resorting to the same, or being in the Offing, shall be judged guilty of Felony; and the Court by or before whom such Person or Persons shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be transported for any Term of Years not exceeding Seven Years, or, in Mitigation of such Punishment, may award such Sentence as the Law directs in Cases of Felony.

Masters of
Vessels, &c.
liable to
Damage by
Neglect, Un-
skilfulness,
&c.

LXXX. And be it further enacted, That every Master, Owner, or other Person having the Rule or Command of any Ship, Boat, Barge, or other Vessel lying or being in the said Canal or Harbour, shall be and is hereby made answerable and accountable to the said Commissioners for the Amount or Value of any Damage or Mischief that shall be done through Unskilfulness or Negligence, by him or by such Ship, Boat, Barge, or other Vessel, or by any of the Mariners, Servants, or Crew on board of or belonging to the same, to the said Canal, or the Dams or Embankments thereof, or to the Locks, Docks, Quays, Basins, Piers, Wharfs, Bridges, Machines, Erections, or other Works which now are or shall be constructed in pursuance of this Act; and the same, if not forthwith paid and satisfied, shall and may be recovered in manner herein-after mentioned.

Masters to
recover Da-
mage from
their Ser-
vants.

LXXXI. And be it further enacted, That in case the Master or Owner of any Ship, Boat, Barge, or other Vessel as aforesaid, shall be compelled to pay any Penalty; or to make Satisfaction for any Damage or Trespass, by reason of any such Damage done or committed by his Mariners, Boatmen, Servants, or other Persons employed by him or them, such Mariners, Boatmen, Servants, or other Persons, and each and every of them, shall be liable to pay such Penalty or Damage, with the Costs thereof, to such Master or Owner; and in case of Nonpayment thereof upon Demand, and Oath made by such Master or Owner of the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same, or the Costs thereof, have or hath not been repaid to him, or by such Mariners, Boatmen, Servants, or other Persons, or any of them, although demanded, (such Oath to be made before any Justice of the Peace of the County where such Penalty or Satisfaction shall have been incurred as aforesaid, or where such Mariner, Boatman, Servant, or other Person can be found,) the Amount thereof shall be

recovered in the same Manner as any other Penalty is directed to be recovered.

LXXXII. And be it further enacted, That the said Commissioners, or any Seven or more of them, at any Meeting to be held by virtue of this Act, shall have Power to make such Rules, Bye Laws, Orders, Regulations, and Directions for the good Government and Management of the Officers, Servants, Agents, and Workmen, and of all Matters and Things concerning the said Harbour and Canal and other Works, and for the Regulation, Relief, and Assistance of Ships, Boats, Barges, or other Vessels resorting to or seeking Shelter therein, as they shall deem necessary or proper, and from Time to Time to alter and repeal any such Rules, Bye Laws, Orders, Regulations, and Directions, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, Orders, Regulations, and Directions, as to such Commissioners shall seem meet, not exceeding the Sum of Five Pounds for any one Offence; which said Rules, Bye Laws, Orders, Regulations, and Directions, being reduced into writing or printed, shall be binding upon and be observed by all Parties using or in anywise concerned in the said Harbour, Piers, and other Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that such Rules, Bye Laws, Orders, Regulations, and Directions be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *Ireland*, or the Provisions and Directions in this Act contained, or to any of them: Provided also, that Copies of such Rules, Orders, and Bye Laws, or such of them as shall concern or relate to the using of the said Harbour and Canal, and the Works connected therewith, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Harbour, Piers, and Works, or to the Conduct or Behaviour of any Mariners, Boatmen, and Bargemen frequenting the said Harbour and Canal or other Works, shall be painted on Boards in large Characters, and be affixed and continued in some conspicuous Place or Places upon or near adjoining the said Harbour, Piers, and other Works, and renewed as the same shall be obliterated or defaced: Provided always, that in Cases of Prosecution for Offences against the said Bye Laws, it shall be sufficient to prove that such Bye Laws, painted on Boards in Characters sufficiently plain, have been affixed and published in manner aforesaid, and in case of their being afterwards displaced or damaged have been replaced or repaired.

Power to
Commission-
ers to make
Bye Laws.

LXXXIII. And be it further enacted, That all Justices of the Peace be and they are hereby empowered to administer Oaths and Affirmations to any Person or Persons that they shall or may from Time to Time have occasion to examine in any Matter or Proceeding relative to this Act, and that in the Hearing of all Complaints of Offences against this Act, the Affirmation of a Quaker be admitted and taken as Evidence.

Justices em-
powered to
administer
Oaths.

LXXXIV. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by

In case of
Nonpayment
of Compen-

sation for
Damages by
the Com-
missioners,
the same to
be levied by
Distress.

by any Justice or Justices of the Peace, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by such Commissioners, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Thirty Days after Demand in Writing shall have been made from the Clerk to the said Commissioners or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Commissioners, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to their Treasurer for the Time being (as the Case may be): Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Damages and
Charges, in
Cases of Dis-
pute, to be
settled by
Justices.

LXXXV. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act for the levying of any Penalties or Forfeitures.

Justices may
proceed by
Summons in
the Recovery
of Penalties.

LXXXVI. And be it further enacted, That in all Cases in which any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover

recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justices; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

LXXXVII. And be it further enacted, That if any Person or Persons duly summoned as aforesaid to be a Witness or Witnesses, and give Testimony in any Matter of Proceeding relative to this Act, shall neglect or refuse to appear, after having tendered a reasonable Sum for his, her, or their Costs and Expences, before such Justice or Justices of the Peace issuing such Summonses as aforesaid, or appearing shall refuse to make Oath or Affirmation as aforesaid, or making such Oath or Affirmation shall refuse to answer such Questions as shall be demanded of him or them touching the Matter in question, such Person or Persons so neglecting or refusing shall for every Time he or they shall so offend forfeit any Sum not exceeding Five Pounds, to be levied by Distress and Sale of the Offender's Goods, by Warrant to be issued for that Purpose under the Hands and Seals of such Justice or Justices of the Peace.

Penalty on
Witnesses
refusing to
attend, &c.

LXXXVIII. Provided always, That this Act or any thing herein contained shall not extend to charge any Person or Persons with any Penalty, Forfeiture, or Punishment for any of the Offences or Breaches aforesaid, unless the Person or Persons so offending be complained of to some Justice or Justices of the Peace for the County of *Kerry* within One Month after such Offence shall be committed, except as herein otherwise provided, any thing in this Act to the contrary notwithstanding.

Complaints
of Offences
to be made
within One
Month after
Offence com-
mitted.

LXXXIX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, or by any Rules, Orders, or Bye Laws made in pursuance thereof, in relation to which the Application of Penalty or Forfeiture or Manner of convicting the Offender is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice or Justices of the Peace of the County of *Kerry* in a summary Way, and who is and are hereby authorized and empowered to convict the Offender or Offenders upon Information, by the Oath or Affirmation of any credible Witness or Witnesses, or on the Confession of the Party offending, which Oath or Affirmation such Justice or Justices is and are hereby authorized to administer; and that in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, (the reasonable Charges of such Distress and Sale being first deducted,) and Half of the Penalty and Forfeiture when received shall be paid to the Informer, and the other Half thereof shall be paid to the Treasurer of the Fever Hospital of the County of *Kerry* for the Time being; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby

Recovery and
Application
of Penalties.

[*Local.*]

33 D

hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrants of Distress, (such Day or Days not being more than Two Days from the taking of such Security,) and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, and Charges could be raised, in case a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, (as the Case may be,) to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County of *Kerry*, there to remain for any Time not exceeding Six Calendar Months, unless such Penalty and Forfeiture shall be sooner satisfied and paid.

Appeal to
Sessions.

XC. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any Person or Persons whatsoever, thinking himself, herself, or themselves aggrieved by any Rule, Bye Law, or Order of the said Commissioners, or any thing done in pursuance thereof, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Three Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the said County of *Kerry*, the Person or Persons appealing having first given at least Ten clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the said Commissioners, (as the Case may be,) and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Securities conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justice, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such County, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Order, or Determination, and shall and may award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall adjudge reasonable and proper; and all

such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

XCI. Provided always, and be it further enacted, That where any Distress or Distresses shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Irregularity or Defect in the Summons, Conviction, Warrant of Distress, or other Warrant or Proceedings thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity by him or them done or committed after such Distress made or taken, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case.

Distress not to be deemed unlawful for Want of Form.

XCII. Provided also, and be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceeding to be had touching the Conviction of any Offender or Offenders against this present Act, shall be quashed or vacated for Want of Form only, or removed or removable by Certiorari, or any other Writ or Process, in any of His Majesty's Courts of Record at *Dublin*, any Law or Statute to the contrary notwithstanding.

Orders not to be quashed for Want of Form.

XCIII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the same Effect :

Summary Form of Conviction.

‘ **B**E it remembered, That on the Day of
‘ in the Year of His Majesty's Reign, *A. B.* is convicted
‘ before of His Majesty's Justices of the Peace for
‘ the said County of Given under our Hands and
‘ Seals, the Day and Year aforesaid.’

XCIV. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, the same shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County where the Cause of Action shall have arisen and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, or that such Action or Suit shall have been commenced after the Time before limited for bringing the same, or shall be brought in any other County than as aforesaid, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant

Limitation of Actions.

or

or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

Application
of Rates and
Duties.

XCV. And be it further enacted, That out of the Rates, Duties, and other Monies which shall be received or raised by virtue of this Act, the said Commissioners shall in the first place pay and discharge all the Costs and Expences relative to the procuring and passing of this Act, and the Remainder of all such Monies shall from Time to Time be applied in repaying the Money already advanced or borrowed or hereafter to be advanced or borrowed for the Purposes or in pursuance of this Act, and the Interest due and to grow due thereon respectively, and in defraying the Expences of completing, repairing, and extending the said Canal and Harbour, and of supporting and maintaining the same, and of doing and performing all such other Works as the said Commissioners shall think necessary to be done and performed in pursuance of the Directions of this Act, and in otherwise carrying this Act into Execution, and to and for no other Use or Purpose whatever.

Declaring
what shall be
good Service
of Notices
on the Com-
missioners.

XCVI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other legal Proceedings, the Service thereof upon any One of the said Commissioners for the Time being, or left at his usual Place of Abode, or upon the Clerk or Treasurer of the said Commissioners for the Time being, or the Office of such Clerk or Treasurer or other Officer of the said Commissioners, or left at his usual Place of Abode, shall be deemed a good and sufficient Service of the same respectively on the said Commissioners.

Public Act.

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

SCHEDULE (A.) to which this Act refers.

DUES to be paid by VESSELS entering or using the Harbour.

On every Vessel from Foreign Parts, or from any Port in the United Kingdom on a Voyage to Foreign Parts, which may anchor within the Limits of the Harbour, a Duty per Mast of -	s. d.	
	2	6
And if the said Vessel shall enter the Canal or Floating Dock or Basin, an additional Duty per Ton Burthen, per Register or Admeasurement, of - - - - -	1	6
On every Vessel exceeding Thirty Tons Burthen, from any Port in the United Kingdom, or the Islands of Jersey, Guernsey, Alderney, Sark, or Man, the Duty per Mast of - - - - -	2	0
And if the said Vessel shall enter the Canal or Floating Dock or Basin, an additional Duty per Ton Burthen as aforesaid of -	1	0
On every Vessel exceeding Twenty Tons Burthen, and not exceeding Thirty Tons Burthen, which may anchor within the Limits of the Harbour - - - - -	2	6
And if the said Vessel shall enter the Canal or Floating Dock or Basin, an additional Duty of - - - - -	10	0
On every Boat, Barge, or Vessel of any other Description, exceeding Ten Tons Burthen, and not exceeding Twenty Tons Burthen, that shall enter the Canal or Floating Dock or Basin - -	10	0
On every Boat, Barge, or Vessel of any other Description, not exceeding Ten Tons, that shall enter the Canal or Floating Dock or Basin - - - - -	7	6
And for every Month, after the First, that any Boat, Barge, or Vessel of any other Description may remain in the Canal or Floating Dock or Basin, an additional Duty per Ton of -	0	6
And for every Ton of Timber stored in the said Basin, per Month	0	6

SCHEDULE (B.) to which this Act refers.

TABLE of DUTIES payable on the Landing and Shipment of the following Articles:

ARTICLES.	DUTY.	
	s.	d.
Ashes and Barilla, the Mats - - - - -	0	8
the Cask - - - - -	0	6
loose, the Ton - - - - -	2	0
Asses, each - - - - -	0	6
Bacon and Hams, the Cwt. - - - - -	0	2
Bark Oak, the Ton - - - - -	2	0
Beef, the Barrel - - - - -	0	2
the Tierce - - - - -	0	4
Beer and Ale, the Barrel - - - - -	0	3
Bones, the Ton - - - - -	1	0
Bottles, empty, the Gross - - - - -	0	3
Bran, the Cwt. - - - - -	0	1
Bricks, the Thousand - - - - -	1	0
Brimstone, the Ton - - - - -	1	0
Burr or Millstones, the Cwt. - - - - -	0	1
Butter, the Firkin - - - - -	0	2
Calves, each - - - - -	0	1
Candles, the Cwt. - - - - -	0	2
Cheese, the Cwt. - - - - -	0	2
Cider and Perry, the Ton - - - - -	1	0
Coals, the Ton - - - - -	0	6
Coffee, the Tierce - - - - -	1	0
the Barrel or Bag - - - - -	0	6
Copper and Brass, the Ton - - - - -	2	0
Cordage, the Ton - - - - -	1	0
Cork - - - - -	2	0
Corn, viz.— Barley, per Barrel - - - - -	0	2
Oats, per Barrel - - - - -	0	2
Wheat, per Barrel - - - - -	0	3
other Grain, the Barrel - - - - -	0	2
Cloth of all Kinds, Bale Cottons, the Bale - - - - -	0	6
Cotton Wool or Yarn, the Cwt. - - - - -	0	3
Cows, Bulls, and Bullocks, each - - - - -	0	6
Drugs of all Kinds, the Package - - - - -	0	3
Earthenware, the Crate - - - - -	0	6
Feathers, the Bags - - - - -	0	6
Flax, the Ton, shipped - - - - -	1	0
landed - - - - -	2	0
Flax Seed or Linseed, the Hogshead - - - - -	0	6
Flour, the Sack - - - - -	0	2
Glass, the Crib - - - - -	0	6
Glue, the Cwt. - - - - -	0	2
Groceries of all Kinds, the Package - - - - -	0	3

16

16

16

16

ARTICLES.	DUTY.	
	<i>s.</i>	<i>d.</i>
Hay, the Load - - - - -	0	6
Hair and Brushes, the Cwt. - - - - -	0	2
Hardware, the Cask - - - - -	0	6
Hats, the Box - - - - -	0	6
Hemp, the Ton, landed - - - - -	2	0
----- shipped - - - - -	1	0
Hides, the Bale - - - - -	0	2
Hops, the Bag - - - - -	0	2
Horns, the Ton - - - - -	1	0
Horses and Mules, each - - - - -	1	0
Iron, the Ton - - - - -	1	0
Kelp, the Ton - - - - -	1	0
Lard, the Barrel - - - - -	0	2
Lead or Lead Ore, the Ton - - - - -	2	0
Leather, the Bale - - - - -	0	2
Lime or Limestone, the Ton - - - - -	0	6
Linens and Linen Yarn, the Cwt. - - - - -	0	2
Manure, the Ton - - - - -	0	6
Marble, the Ton - - - - -	2	0
Oakum, the Ton - - - - -	1	0
Oil, the Ton - - - - -	2	0
Paper or Books, the Package - - - - -	0	4
Pitch, the Barrel - - - - -	0	2
Pork, the Barrel - - - - -	0	2
Potatoes, the Barrel - - - - -	1	0
Rags, the Ton - - - - -	1	0
Salt, the Ton - - - - -	1	0
Seeds, the Cwt. - - - - -	0	1
Sheep, each - - - - -	0	1
Slates, the Thousand - - - - -	1	0
Soap, the Cwt. - - - - -	0	2
Spirits of all Sorts, viz. — the Puncheon - - - - -	1	0
the Hogshead - - - - -	0	6
the Cask - - - - -	0	4
Starch, the Cwt. - - - - -	0	2
Stones, the Ton - - - - -	0	6
----- Flags - - - - -	0	6
Sugar, the Hogshead - - - - -	0	6
----- the Tierce - - - - -	0	4
----- the Barrel or Bag - - - - -	0	2
Swine, each - - - - -	0	1
Tallow, the Barrel - - - - -	0	2
Tanners' Waste, the Ton - - - - -	0	6
Tar, the Barrel - - - - -	0	2
Tea, the Chest - - - - -	1	0
Tiles, the Thousand - - - - -	1	0
Tobacco, the Hogshead - - - - -	1	0
Tow, the Ton - - - - -	1	0
Vinegar, the Cask - - - - -	0	2
Wine, the Pipe - - - - -	1	6
----- the Hogshead - - - - -	1	0
----- the Quarter Cask - - - - -	0	3
Whiting, the Cwt. - - - - -	1	0
Wood, the Ton - - - - -	1	0
Wool, the Bale - - - - -	0	6

ARTICLES.	DUTY.
	s. d.
Woollens, the Bale	1 0
Yarn, Linen, the Cwt.	0 2
And all other Goods not enumerated	
per Ton	1 0
Barrel	0 2
Piece	0 1
Hogshead	0 6
Tierce	0 3
Crates	0 3
Hampers and Bags	1 0
Deals, the Hundred	2 0

SCHEDULE (C.) to which this Act refers.

RATES to be paid for BALLAST.

For every Ton of Ballast furnished and put into any Ship or Vessel in the Harbour of Tralee, or Canal or Basin	s. d.
	1 0
For every Ton of Ballast landed or discharged	1 0

22

SCHEDULE (D.) to which this Act refers.

RATES of PILOTAGE at the Harbour of TRALEE.

For every Vessel bound from or to Foreign Parts, which shall be piloted into the Harbour of Tralee, the Sum per Foot of Draft	s. d.
	5 0
For every Cross Channel Trader, per Foot of Draft	4 0
For every Coaster, per Foot of Draft	3 0
For every Vessel which shall be piloted from the Harbour of Tralee, if bound to or from Foreign Parts, the Sum per Foot	5 0
If a Cross Channel Trader	4 0
If a Coaster	3 0

23