

(1)

RECORD No. E 9/1977

The Attorney General (at and by the relation of James Collins) PLAINTIFF.  
Eamon Stack & Others DEFENDANT.

THE CIRCUIT COURT

South-Western CIRCUIT. COUNTY OF Kerry

CIVIL BILL FILE (E).

~~Motion (Committal)~~  
~~Motion~~

LISTOWEL 21-6-1977: By Consent, adjourn for hearing to Killarney.

Killarney 19-7-1977: By Consent, allow entry of late defence up to 1st Sept. 1977 Costs to Plaintiff Dismiss with notice of trial - Adjourn listowel next term.

LISTOWEL 1-11-1977: By Consent adjourn next term.

" 31-1-1978: adjourn next term, by Consent.

" 12-4-1978.

- D. Keefe
- G. Lyran
- Sr. for Plaintiff
- Raymond Crowley
- James Collins
- Stanislava McElarty
- Korence O'Carroll
- Martin Trimmety
- Deft
- Thomas Dowling
- Desmond Staehli
- Thos Shussey
- Liam Stack
- Pats O'Sullivan

- Maryanne Sullivan
- Patrick Lyran

- Order confirming existence of public R.O.W. 30' in width & lettered A-F-G on Mr. Crowley's map (to be attached to Order)
- Declaration dedicating R.O.W. to the public.
- Undertaking given to put R.O.W. back into original state of repair within one month
- Undertaking given not to interfere with R.O.W.
- No costs.
- Dismiss counterclaim without costs.

OVER

10  
revised  
11/1/78

E. 9/1977

CIRCUIT COURT

SOUTH-WESTERN CIRCUIT

COUNTY OF KERRY

Between:

The Attorney General (At and by the Relation of James Collins.)

PLAINTIFF.

- AND -

Eamonn Stack, James Lane, James Driscoll, Patrick Lawlor, Thomas Hussey, Patrick O'Sullivan, all of Lower Carrahane, Ardfert and John Hussey, Arkeragh, Ardfert, John Michael McCarthy, Lismore, Tralee and Thomas Dowling, Boher, Banna, Ardfert, County Kerry.

DEFENDANTS.

Before Judge Timothy N. Desmond, Listowel, 12th April, 1978.

The Defendants having been duly served with an Equity Civil Bill and the same coming on for hearing before the Court this day; WHEREUPON and on reading the pleadings and documents filed herein, and on hearing the oral evidence adduced and what was urged by Mr. D. O'Keefe of The Law Library, Four Courts, Dublin, Counsel (instructed by Mr. D.J.O'Neill, Solicitor) for the Plaintiff and Mr. G. Tynan of The Law Library, Four Courts, Dublin, Counsel (instructed by Messrs. R. Pierse & Associates, Solicitors) for the Defendants,

THE COURT DOTH GRANT AN ORDER:

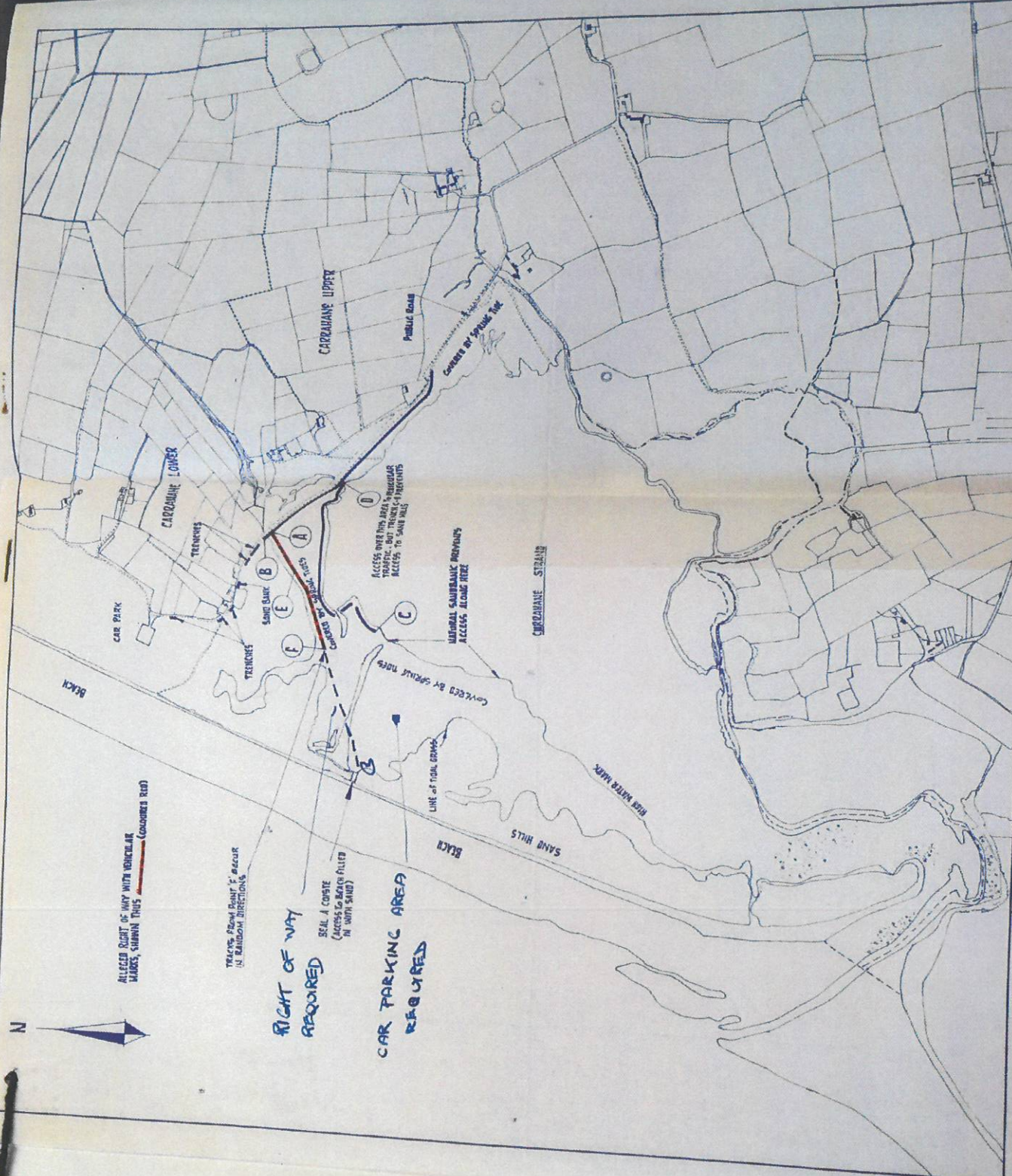
1. confirming the existence of a public Right of Way, thirty feet in width and lettered A.F.G. on Mr. Crowley's map (attached hereto).
2. declaring and dedicating the said Right of Way to the public.
3. that no award be made as to costs to the Plaintiff.
4. that the counter-claim in this matter be dismissed without costs.
5. a stay on the Execution of the Order pending an appeal.
6. AND THE COURT DOTH FURTHER NOTE the Undertaking of the Defendants to replace and put back into it's original state the trench opened by them, within one month from this date and the further undertaking by the Defendants not to interfere with the user of the said Right of Way.

By The Court.

*Louis McDowall*  
County Registrar.



B



JOB No X88  
 DATE: MARCH 1978  
 SCALE: 6" = MILE

DISPUTED RIGHT OF WAY AT CURRAHANE STRAND

E. G. PETTIT & COMPANY  
 CONSULTING ENGINEERS & ARCHITECTS  
 SPRINGVILLE HOUSE  
 BLACKROCK ROAD, CORK.

100000

CIRCUIT COURT

SOUTH WESTERN CIRCUIT

COUNTY OF KERRY.

Between:

The Attorney General (At and by the Relation  
of James Collins)

PLAINTIFF

-AND-

Eamon Stack, James Lane, James Driscoll, Patrick Lawlor,  
Thomas Hussey, Patrick O'Sullivan, all of Lower Carrahane,  
Ardfert, and John Hussey, Arkeragh, Ardfert, John Michael  
McCarthy, Lismore, Tralee and Thomas Dowling, Boher, Banna,  
Ardfert, County Kerry.

DEFENDANTS.

Before Judge Timothy N. Desmond  
Listowel, 18th July 1978.

The Defendants having been duly served with a Notice of  
Motion and the same coming on for hearing before the Court  
this day WHEREUPON and on reading the supporting Affidavits  
and on hearing the oral evidence adduced and what was urged  
by Mr D. O'Keeffe of The Law Library, Four Courts, Dublin,  
Counsel (instructed by Mr Donal J. O'Neill, Solicitor,) for the  
Plaintiff and Mr G. Tynan of The Law Library, Four Courts,  
Dublin, Counsel (instructed by Robert Pierce & Associates,  
Solicitors) for the Defendants.

THE COURT DOTH GRANT AN ORDER:

1. That this Motion be and is hereby adjourned to the sittings  
of the Court commencing at Listowel on the 31st October 1978.
2. That the respective Engineers Mr Dillon and Mr Stayley shall  
mark out right-of-way, said marking to be 2" gun-barrell tub-  
ing, coloured orange 4 feet long, 2 feet into the ground, set  
in concrete and 2 feet overground to be placed at 100 feet  
centres over right-of-way 30 feet apart and that the right-of-  
way be marked out forthwith and that the work be done 17 days  
from the date of marking out.
3. That either party be and is at liberty to apply further to  
the Court as may be necessary.
4. That the Costs of and incidental to this Application and  
Order be and are reserved.

By the Court.

*Louise P. Desmond*

County Registrar.

A true copy which I certify

20<sup>th</sup> July 1978

*William Keen*  
County Registrar



CIRCUIT COURT

SOUTH-WESTERN CIRCUIT

COUNTY OF KERRY



Between:

The Attorney General (At and by the Relation  
of James Collins)

PLAINTIFF.

-AND-

Eamonn Stack, James Land, James Driscoll, Patrick Lawlor,  
Thomas Hussey, Patrick O'Sullivan, all of Lower Carrahane,  
Ardfert, and John Hussey, Arkeragh, Ardfert, John Michael  
McCarthy, Lismore, Tralee and Thomas Dowling, Boher,  
Bauna, Ardfert, County Kerry.

DEFENDANTS.

---

Before Judge Timothy N. Desmond  
Listowel, 2nd November 1978.

---

The adjourned hearing of the proceedings herein coming  
on for hearing before the Court this day WHEREUPON on  
hearing the oral evidence adduced and what was urged  
by Mr. D. O'Keefe of the Law Library, Four Courts,  
Dublin, Counsel (instructed by Mr. Donal J. O'Neill,  
Solicitor,) for the Plaintiff and Mr. G. Tynan of the  
Law Library, Four Courts Dublin, Counsel (instructed by  
Robert Pierce & Associates, Solicitors for the Defendants.

THE COURT BOTH GRANT AN ORDER:-

1. That the right-of-way shall be in accordance with the  
map prepared by both Engineers and be confirmed as  
the correct right-of-way.
2. No provision to be made for a car-park as shown in  
yellow on the map.
3. No costs to be awarded to either party.

By the Court.

\_\_\_\_\_  
County Registrar.

\_\_\_\_\_  
I certify

the \_\_\_\_\_ day of \_\_\_\_\_ 1978

\_\_\_\_\_  
County Registrar.

TY KERR

the

iff.

ia.

THE CIRCUIT COURT

Record Number 9/1944

Produced for Both parties

Dated 2/11/78

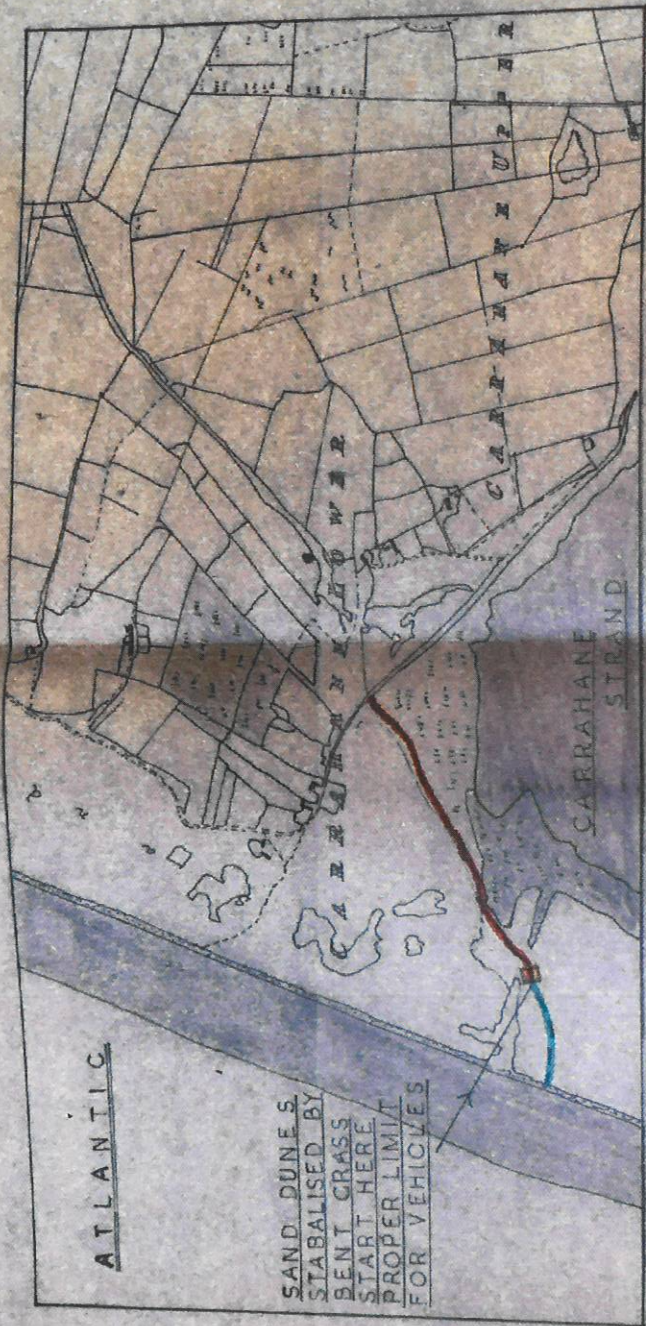
Louise McDonagh

KERRY COUNTY REGISTRAR

Agreed map of R.O.W.  
lodged in court. 2/11/78

Louise McDonagh.

AGREED RIGHT-OF-WAY AT CARRAHANE STRAND



SCALE: 6 INCHES TO ONE MILE.

AGREED RIGHT-OF-WAY AS MARKED OUT ON SITE INDICATED BY RED LINE

SUGGESTED CAR PARK SHADED YELLOW - AREA: 1 FLOOD (35 YDS X 35 YDS)

RIGHT-OF-WAY THROUGH SAND DUNES TO BEACH (VEHICULAR USE CONFINED TO LOCAL PEOPLE DRAWING SEAWEED) INDICATED BY GREEN LINE

A. N. DILLON  
B.E.C. ENG. E.I.E.L.  
24.10.78

2.

3