CHAPTER v.

An Act for the abandonment of the Ballina and Killala Railway and Harbour and for other purposes. A.D. 1889.

[31st May 1889.]

WHEREAS by the Ballina and Killala Railway and Harbour Act 1883 (in this Act called "the Act of 1883") the Ballina and Killala Railway and Harbour Company (in this Act called "the Company") were incorporated and empowered to make and maintain a railway from Ballina to Killala and a causeway and pier at Killala in the county of Mayo and to raise a capital of one hundred thousand pounds in shares and to borrow on mortgage any sum not exceeding fifty thousand pounds:

And whereas the Company have been unable to raise the capital necessary for the construction of the said railway and causeway and pier and no part of the capital authorised by the Act of 1883 has been raised:

And whereas the period for the compulsory purchase of lands for the purpose of the said railway was limited to a period of three years from the passing of the Act of 1883 and the period limited for the compulsory purchase of lands for the purpose of the said causeway and pier was limited to a period of four years from the passing of the Act of 1883 and these periods are now expired:

And whereas the period for the completion of the said railway was limited to a period of five years from the passing of the Act of 1883 and this period is now expired and the period for the completion of the said causeway and pier was limited to seven years from the passing of the Act 1883 and this period will expire on the second day of August one thousand eight hundred and ninety:

And whereas the Company promoted a Bill in the last session of Parliament to extend the time for the completion of the said railway and causeway and pier but the said Bill was opposed and did not pass:

[*Price* 3*d*.]

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And whereas it is expedient that the said railway and causeway and pier be abandoned and the affairs of the Company wound up and the Company dissolved and that the deposit fund mentioned in sections 42 and 43 of the Act of 1883 in respect of the said railway now remaining in the Chancery Division of the High Court of Justice in Ireland be repaid in manner provided by this Act:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Ballina and Killala Railway and Harbour (Abandonment) Act 1889.

Abandonment of works.

2. The Company shall abandon the making of the said railway and causeway and pier and on and after the passing of this Act the Company shall except only as is by this Act otherwise expressly provided be absolutely freed and discharged from all obligations with respect to the making and maintaining of the said railway and causeway and pier.

Compensation for damage to land by entry &c. for purposes of railway abandoned.

3. The abandonment by the Company under the authority of this Act of the said railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of the said railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company for the purposes of the said railway to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1883.

Compensation to be made in respect of railway abandoned.

4. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said railway or any portion thereof authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other

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persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Providing for release of deposit.

5. Subject to the provisions of section forty-three of the Act of 1883 with respect to compensation to landowners and other persons injured and for the protection of creditors the Chancery Division of the High Court of Justice in Ireland may and shall at any time after the passing of this Act on application by the persons or the majority of the persons named in the warrant or order mentioned in section forty-two of the Act of 1883 or the survivors or survivor of them or the executors or administrators of such survivor order that the sum of two thousand three hundred and eighty pounds three per centum Consolidated Bank Annuities mentioned in the said forty-second section of the Act of 1883 or other the stocks or funds by which the same may at the time of the passing of this Act be represented and the interest or dividends thereon may be transferred or paid to the person or persons so applying or to any other person or persons whom they or he may appoint in that behalf and upon such order being made the said sum of two thousand three hundred and eighty pounds three per centum Consolidated Bank Annuities or other the stocks or funds by which the same may be represented and the interest or dividends thereon shall be transferred or paid to such person or persons accordingly.

Company to wind up their affairs.

6. Forthwith after the passing of this Act the Company shall proceed to wind up their affairs and shall pay satisfy and discharge all their debts liabilities and engagements.

Dissolution of Company.

7. When all the debts liabilities and engagements of the Company are paid satisfied or discharged and the affairs of the Company are wound up the Company shall be by this Act dissolved and shall thenceforth wholly cease to exist and the Act of 1883 shall be by this Act repealed.

Expenses of Act.

8. All costs charges and expenses of and incident to the applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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