CHAPTER xxvii.

An Act for the abandonment of the Extension Railway authorised by the Waterford Dungarvan and Lismore Railway (Extension) Act 1878 and for other purposes. A.D. 1885.

[21st May 1885.]

WHEREAS by the Waterford Dungarvan and Lismore Railway Act 1872 (herein-after called "the Act of 1872") as amended by the Waterford Dungarvan and Lismore Railway Act 1873 (herein-after called "the Act of 1873") the Waterford Dungarvan and Lismore Railway Company (herein-after called "the Company") were incorporated and authorised to make a railway from Waterford to Dungarvan and Lismore in the county of Waterford and to raise capital for that purpose and certain baronial and other guarantees were granted with respect to such capital as provided by the said Acts and such railway has been completed and opened for public traffic:

And whereas by the Waterford Dungarvan and Lismore Railway (Extension) Act 1878 (herein-after called "the Act of 1878") the Company were authorised to extend their railway from the present terminus at Waterford into the city of Waterford and for that purpose to make and maintain a railway (herein-after called "the extension railway") to raise a capital not exceeding thirty-five thousand pounds and to borrow on mortgage any sum not exceeding eleven thousand six hundred pounds and it was provided by that Act that such capital should form a separate capital and that the extension railway should be deemed a separate undertaking of the Company but no guarantees were granted with respect to such separate capital:

And whereas by the Waterford Dungarvan and Lismore Railway Act 1882 (herein-after called "the Act of 1882") the powers granted to the Company by the Act of 1878 for the compulsory purchase of lands were extended for a period of two years from the tenth day of August 1882 and the period therein limited for the completion of the

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extension railway was extended for a period of three years from the twenty-second day of July 1882:

And whereas the Company have been and are unable and have no prospect of being able to raise any part of the capital authorised by the Act of 1878 or to borrow money as therein mentioned for the purpose of the extension railway:

And whereas the period for which the powers granted to the Company by the Act of 1878 for the compulsory purchase of lands were extended by the Act of 1882 has expired and the period limited by the last-mentioned Act for the completion of the extension railway will expire on the twenty-second day of July 1885 and none of the powers of those Acts with respect to the purchase of lands and the making of the extension railway have been exercised:

And whereas it is expedient that the extension railway be abandoned and that the deposit fund mentioned in sections 25 and 26 of the Act of 1878 now standing in the Chancery Division of the High Court of Justice in Ireland be dealt with in manner provided by this Act:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as the Waterford Dungarvan and Lismore Railway Extension (Abandonment) Act 1885.

Abandonment of the extension railway.

2. The Company shall abandon the making of the extension railway and from 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 maintaining or completing of the extension railway.

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

3. The abandonment by the Company under the authority of this Act of the extension 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 or taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of the extension 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 extension 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 the Act of 1878 or the Act of 1882.

Compensation to be made in respect of the extension 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 any portion of the extension railway 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 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 this Act and of section 26 of the Act of 1878 with respect to compensation to landowners and other persons injured and for the protection of creditors of the Company so far only as regards the extension railway and subject also to the payment of the costs charges and expenses of this Act the Chancery Division of the High Court of Justice of 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 the twenty-fifth section of the Act of 1878 or the survivors or survivor of them in a summary way order that the sum of one thousand seven hundred and fifty pounds mentioned in the said twenty-fifth section of the Act of 1878 or the stocks or funds in which the same may have been invested and the interest or dividends thereon may be paid or transferred to the person or persons whom they or he may appoint in that behalf and upon such order being made the said sum of one thousand seven hundred and fifty pounds or the stocks or funds in which the same may have been invested and the interest or dividends thereon shall be paid or transferred to such person or persons accordingly.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1885.