

[43 & 44 VICT.] *Southern Railway (Cashel Extension* [Ch. lvi.]  
*Abandonment) Act, 1880.*



## CHAPTER lvi.

An Act for the abandonment of the Cashel Extension Railway, A.D. 1880.  
authorised by the Southern Railway (Extension and Fur-  
ther Powers) Act, 1873; and for other purposes.

[9th July 1880.]

**W**HEREAS by the Southern Railway (Extension and Further Powers) Act, 1873, (herein-after called "the Act of 1873,") the Southern Railway Company (herein-after called "the Company") were authorised to make and maintain the railway described in section 5 thereof (herein-after referred to as "the Cashel Extension Railway"), and to raise further share capital not exceeding sixty thousand pounds, to be divided into six thousand shares of ten pounds each (herein-after called "Cashel Extension share capital"), and the period limited by the said Act of 1873 for the completion of the railway and works thereby authorised was five years from the passing thereof: 36 & 37 Vict.  
c. ccxlviii.

And whereas by the Southern Railway Act, 1876, the time limited for the completion of the said Cashel Extension Railway was extended, and by the Southern Railway Act, 1878, was further extended: 39 & 40 Vict.  
c. ccxlii.  
41 & 42 Vict.  
c. cxxiii.

And whereas no part of the Cashel Extension share capital has been issued and none of the powers in the said Acts in relation to the making of the Cashel Extension Railway have been exercised, and the Company are unable to raise the funds required for the making of such railway, and it is expedient that the same be abandoned:

And whereas by the Act of 1873 (sections 10 and 11) provision is made with respect to a certain sum of two thousand five hundred and six pounds fifteen shillings cash, which had been deposited pursuant to the Act of the ninth and tenth years of the reign of Her present Majesty, chapter twenty, in respect of the application to Parliament for authority to construct the Cashel Extension Railway by the Act of 1873:

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And whereas it is expedient that the provision herein-after contained for the release of the said deposit in respect of the Act of 1873 be made :

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

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

Short title.

1. This Act may be cited as the Southern Railway (Cashel Extension Abandonment) Act, 1880.

Abandonment of Cashel Extension Railway.

2. The Company may and shall abandon the making of the railway authorised by the Act of 1873, 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 obligation with respect to the making and maintaining of such railway.

Compensation for damage done for purposes of railway abandoned.

3. The abandonment by the Company, under the authority of this Act, of the Cashel 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 and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of such 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 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 1873, or any other Act relating to the Company.

8 & 9 Vict. c. 20.

Compensation for non-completion of purchase of lands.

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 Cashel Extension Railway, or any portion thereof, 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 com-



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compensation shall be determined in manner provided by the Lands  
Clauses Consolidation Act, 1845, as amended by the Railways Act  
(Ireland), 1851, and any subsequent Act for determining the  
amount and application of compensation paid for lands taken under  
the provisions thereof.

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8 & 9 Vict.

c. 18.

14 & 15 Vict.

c. 70.

5. Subject to the provisions of section 11 of the Act of 1873  
for the protection of creditors, and with respect to the payment  
of compensation to landowners or other persons whose property  
may have been interfered with or otherwise rendered less valuable  
by the commencement, construction, or abandonment of the Cashel  
Extension Railway by that Act authorised, or any portion thereof,  
or who may have been subjected to injury or loss in consequence  
of the compulsory powers of taking property conferred upon the  
Company by that Act, and for which injury or loss no compensa-  
tion or inadequate compensation may have been paid, 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 the tenth section of the Act of 1873, or the  
survivors or survivor of them, or the executors or administrators  
of such survivor, by petition in a summary way, order that the  
sum of two thousand five hundred and six pounds fifteen shillings  
cash mentioned in the said tenth section of the Act of 1873, or the  
securities upon which the same may be invested, and the interest  
or dividends thereon, shall be paid or transferred to the person or  
persons so applying, or to any other person or persons whom he  
or they may appoint in that behalf, and upon such order being  
made the said sum of two thousand five hundred and six pounds  
fifteen shillings, or the securities upon which the same may be  
invested, and the interest or dividends thereon, shall be paid or  
transferred to such person or persons accordingly.

Provision  
release of  
deposit.

6. 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 John Studholme Brownrigg and  
the executors of the late Peter Graham, namely, Emma Graham  
and Walter Graham, their executors or administrators.

Expenses  
of Act.

