



CHAPTER ccxxxi.

An Act for the abandonment of the Ennis and West Clare Railway. A.D. 1883.
[25th August 1883.]

WHEREAS by the Ennis and West Clare Railway Act 1880 (in this Act called "the Act of 1880") the Ennis and West Clare Railway Company (in this Act called "the Company") were incorporated with power to raise one hundred and seventy thousand pounds in shares and to borrow eighty-five thousand pounds on mortgage and authorised to make and maintain a Railway (in this Act called "the Railway") from the Athenry and Ennis Junction Railway near Ennis to Milltown Malbay in the County of Clare.

And whereas a few shares in the capital authorised by the Act of 1880 have been issued towards satisfying a debt incurred in promoting the Bill for the Act of 1880 and two only of the directors hold any shares or qualification and no other shares have been taken or subscribed for and the attempts made to get sufficient capital subscribed or placed to execute the works have failed.

And whereas the Company is not and has never been in a position to exercise the compulsory powers for the purchase of land for the purposes of the Act of 1880 and such powers will expire on the seventh day of September one thousand eight hundred and eighty-three.

And whereas under the before-mentioned circumstances it is expedient that the Railway should be abandoned but the same 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 (that is to say):—

1. This Act may for all purposes be cited as the Ennis and West Clare Railway (Abandonment) Act 1883. Short title.

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Making of
Railway
abandoned.

2. The making of the Railway is by this Act abandoned and except only as is by this Act otherwise expressly provided the Company shall be absolutely freed from all obligations with respect to the making and maintaining of the Railway.

Compensa-
tion for
damage to
land by
entry &c.
for purposes
of railway
abandoned.

3. The abandonment of the Railway under the authority of this Act 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 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 of the line of Railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied for the purposes of the 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 1880.

Compensa-
tion 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 for the purchasing of any land for the purposes of or in relation to any portion of the Railway or works authorised to be abandoned by this Act the same shall be null and void but notwithstanding full compensation shall be made to the owners and occupiers or other persons interested in such lands 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-five of the Act of 1880 with respect to compensation to landowners and other persons injured and to 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 James Fitzgerald Lombard and William Martin Murphy the persons named in the warrant or order mentioned in section forty-four of the Act of 1880 or the survivor of them or his or their executors administrators or assigns by petition in a summary way order that the sum of six thousand four hundred and twenty-three pounds consolidated three per cent. annuities mentioned in the said forty-fourth section, together with any dividends due and payable thereon may be paid or transferred

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to the said James Fitzgerald Lombard and William Martin Murphy his or their executors administrators or assigns or to ~~any~~ person or persons whom they or he may appoint in that behalf and upon such order being made the said stock and the dividends thereon shall be paid or transferred to the said James Fitzgerald Lombard and William Martin Murphy his or their executors administrators or assigns or to such person or persons accordingly. A.D. 1883.

6. For the purposes of section one hundred and ninety-nine of the Companies Act 1862 and notwithstanding any limitation or exception therein contained the Company shall be deemed to be an unregistered Company whose principal place of business is situate in Ireland and if the Company be wound up under the Companies Acts 1862 and 1867, the provisions of those Acts are hereby made applicable in that behalf. Application of deposit.

7. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall in the first instance be paid by the said James Fitzgerald Lombard and William Martin Murphy but subject to the before-mentioned provisions of section forty-five of the Act of 1880 with respect to compensation to landowners and other persons injured the same shall be repaid to them out of the said sum of six thousand four hundred and twenty-three pounds consolidated three per cent. annuities or the balance thereof as the case may be. Expenses of Act.

