



CHAPTER cxxviii.

An Act to authorise the repayment of the moneys deposited in respect of the railways authorised to be constructed by the Enniskillen, Bundoran and Sligo Railway (Donegal Extension), and Enniskillen and Bundoran Extension Railway (Abandonment) Act, 1879, and for other purposes.

A.D. 1888.

[24th July 1888.]

WHEREAS the Enniskillen, Bundoran and Sligo Railway Company (in this Act called "the Company"), were authorised by the Enniskillen, Bundoran and Sligo Railway (Donegal Extension), and Enniskillen and Bundoran Extension Railway (Abandonment) Act, 1879 (in this Act called "the Act of 1879"), to construct a railway from the Enniskillen and Bundoran Railway, at or near the Castle Caldwell Station to the town of Donegal, and an embankment quay or wharf wall, situate in the townlands of Glebe and Donegal, in the county of Donegal, and for that purpose to raise additional capital, and by the said Act it was provided that the said capital should be a separate capital, and that the said railway embankment quay or wharf wall should be a separate undertaking:

And whereas the Act of 1879, provided that the railway and works thereby authorised should be completed within five years from the passing of the Act And (section 36), that the sum of three thousand two hundred and seventy-five pounds Three Pounds per Centum Consolidated Annuities, deposited with the Chancery Division of the High Court of Justice in Ireland, in respect of the application to Parliament for that Act, and therein, and in this Act called "the deposit fund," should not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them unless the Company should previously to the expiration of the period limited by that Act for the completion of the railway, open the same for public conveyance of passengers And (section 37), that if the Company did not

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previously to the expiration of such period complete the railway and open the same for the public conveyance of passengers, then the deposit fund should be applied towards compensating any landowners or other persons whose property had been interfered with, or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who had 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 compensation or inadequate compensation had been paid, and if no such compensation was payable, or if a portion of the deposit fund had been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund or such portion thereof as might not be required, as aforesaid, should either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the said Chancery Division thought fit to order, on the application of the Solicitor to Her Majesty's Treasury or in the discretion of the said Chancery Division, if the Company were insolvent and had been ordered to be wound up or a receiver had been appointed, should wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof:

And whereas the Company have not commenced any part of the railway and works authorised by the Act of 1879, and the powers of that Act in relation to the purchase of land, and the making of the said railway and works have wholly lapsed:

And whereas it is expedient that the said deposit fund of three thousand two hundred and seventy-five pounds Three Pounds per Centum Consolidated Annuities should be released as hereinafter provided:

And whereas the objects of this Act cannot be attained 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 for all purposes as the Enniskillen, Bundoran, and Sligo Railway (Donegal Extension) Act, 1888.

Return of
deposit fund
and applica-
tion thereof.

2. Subject to the provisions of section 37 of the Act of 1879, with respect to payment of compensation to landowners and other persons injured, and for the protection of creditors the Chancery Division of

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the High Court of Justice in Ireland may and shall at any time after the passing of this Act, on the application of the persons named in the warrant or order mentioned in the 36th section of that Act, or the survivors or survivor of them, or the executors or administrators of such survivor, order that the fund of three thousand two hundred and seventy-five pounds Three Pounds per Centum Consolidated Annuities, and the accumulations of interest or dividends thereon, shall be transferred and paid to the person or persons named in the said warrant, or the survivors or survivor of them, or the executors or administrators of such survivor, or to any other person or persons whom they or he may appoint in that behalf, and, upon such order being made, the said deposit fund, and the interest or dividends thereon shall be transferred and paid accordingly.

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3. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall, subject as aforesaid, be paid out of the said deposit fund. Expenses of Act.

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