



CHAPTER cxxxviii.

An Act to authorise the abandonment of the Railway and Works authorised by the Derry City and County Railway Act 1892. A.D. 1895.
[6th July 1895.]

WHEREAS by the Derry City and County Railway Act 1892 (herein-after called "the Act of 1892") the Derry City and County Railway Company (herein-after called "the Company") were incorporated with powers to make a railway from Gobnascale in the city of Londonderry to Draperstown in the county of Londonderry: 55 & 56 Vict.
c. clxxxv.

And whereas by the Derry City and County Railway Act 1893 (herein-after called "the Act of 1893") further powers were conferred on the Company: 56 & 57 Vict.
c. ccxxii.

And whereas the Company have not exercised any of the powers conferred on them by the said Acts and no part of the capital of the Company has been created or issued and it is expedient that the undertaking be abandoned and the money deposited in respect thereof released and applied as by this Act provided and the Company wound up:

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 (that is to say):—

1. This Act may for all purposes be cited as the Derry City and County Railway (Abandonment) Act 1895. Short title.

2. The Company shall abandon the railways and works authorised by the Acts of 1892 and 1893. Abandonment of undertaking.

3. The abandonment by the Company under the authority of this Act of the railway or works shall not prejudice or affect the Compensation for damage to

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(*Abandonment*) Act, 1895.

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land by entry
&c. for pur-
poses of
railways
abandoned.

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 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 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.

Compensa-
tion to be
made in
respect of
railways
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 railways or works 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 Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Release of
deposit.

5. Subject to the provisions of this Act and of section 35 of the Act of 1892 with respect to compensation to landowners and other persons injured and for the protection of creditors the High Court may at any time after the passing of this Act on application by or on behalf of the depositors mentioned or referred to in section 34 of the Act of 1892 order the sum of nineteen thousand four hundred and fifty pounds two and three quarters per centum consolidated stock being the deposit fund mentioned in the said section 34 and the interest or dividends thereon to be paid or transferred to the depositors or their assigns or to such person or persons as they may appoint in that behalf and upon such order being made the said sum of nineteen thousand four hundred and fifty pounds two and three quarters per centum consolidated stock and the interest or dividends thereon shall be paid or transferred accordingly.

Provision for
winding up
affairs of the
Company.

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.

[58 & 59 Vict.] *Derry City and County Railway* [Ch. cxxxviii.]
(Abandonment) Act, 1895.

7. When all the debts liabilities and engagements of the Company are paid satisfied and discharged and the affairs of the Company are wound up the Company shall be by this Act dissolved and shall thenceforth cease to exist and thereupon the Acts of 1892 and 1893 shall be repealed.

A.D. 1895,
Dissolution
of Company.

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.

Costs of Act.

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