

[61 & 62 VICT.] *Kingstown and Kingsbridge Junction* [Ch. ccxlv.]
Railway (Abandonment) Act, 1898.



CHAPTER ccxlv.

An Act for the abandonment of the Kingstown and Kingsbridge Junction Railway. [12th August 1898.] A.D. 1898.

WHEREAS by the Kingstown and Kingsbridge Junction Railway Act 1887 (in this Act called "the Act of 1887") the Kingstown and Kingsbridge Junction Railway Company (in this Act called "the Company") were incorporated and empowered to make and maintain the railways from the Dublin Wicklow and Wexford Railway to join the Great Southern and Western Railway and the Midland Railway in that Act described :

And whereas by the Kingstown and Kingsbridge Junction Railway (Extension of Time) Act 1892 (in this Act called "the Act of 1892") the Company were authorized to abandon the construction of a portion of their undertaking and the period limited by the Act of 1887 for the compulsory purchase of lands was revived extended and limited and the period for the completion of the railways and works authorized by the Act of 1887 other than the railway authorized to be abandoned was extended and limited :

And whereas by the Kingstown and Kingsbridge Junction Railway (Extension of Time) Act 1895 (in this Act called "the Act of 1895") the period limited by the Act of 1892 for the compulsory purchase of lands was further revived extended and limited and the period for the completion of the said railways and works was further extended :

And whereas no portion of the deposit fund authorized to be released under section 10 of the Act of 1892 in respect of Railway No. 4 by that Act authorized to be abandoned has been released :

And whereas it has been found impossible to raise the capital necessary for the construction of the railways and none of the powers of the Act of 1887 in relation to the compulsory purchase of lands for and the making of the railways have been exercised and it is expedient that the railways should be abandoned and the

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A.D. 1898. money deposited in respect thereof released and applied as by this Act provided and the affairs of the Company wound up and the Company dissolved:

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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:—

Short title. 1. This Act may be cited as the *Kingstown and Kingsbridge Junction Railway (Abandonment) Act 1898.*

Railways to be abandoned. 2. The Company shall abandon the making of the railways authorized by the Act of 1887 so far as the same were not abandoned by the Act of 1892.

Compensation for damage to land by entry &c. for purposes of railways abandoned. 3. The abandonment by the Company under the authority of this Act of the railways 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 of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company for the purposes of the railways to receive compensation for such temporary occupation or for any loss damage or injury which may have 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 Acts of 1887 1892 and 1895.

Compensation 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 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 compensation shall be determined in manner provided by the *Lands Clauses Acts* for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

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5. Subject to the provisions of this Act and of section 7 of the Act of 1892 with respect to compensation to landowners or other persons injured and for the protection of creditors the High Court may and shall at any time after the passing of this Act on application by or on behalf of the depositors mentioned or referred to in section 6 of the Act of 1892 or the survivors or survivor of them or the executors or administrators of such survivor or by any other person entitled to the deposit fund order the sum of twelve thousand eight hundred and thirty-four pounds being the deposit fund mentioned in the said section 6 of the Act of 1892 inclusive of the portion authorized to be released under section 10 of the Act of 1892 and the interest or dividends thereon to be paid or transferred to the depositors or their assignees or other person or persons entitled thereto or to any other persons or person whom they or he may appoint in that behalf and upon such order being made the deposit fund and the interest or dividends thereon shall be paid or transferred to such persons or person accordingly.

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Release of
deposit.

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.

Winding-up
affairs of
Company.

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 wholly cease to exist and thereupon the Acts of 1887 1892 and 1895 shall be repealed.

Dissolution
of Company.

8. All costs charges and expenses of and incident to applying for and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Expenses of
Act.

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