



CHAPTER xli.

An Act for the abandonment of the Greencastle and Kilkeel Railway. A.D. 1880.
[9th July 1880.]

WHEREAS by the Greencastle and Kilkeel Railway and Pier Act, 1876, (in this Act called "the Act of 1876,") the Greencastle and Kilkeel Railway and Pier Company (in this Act called "the Company") were incorporated with power to make a railway from Greencastle to Kilkeel, with a branch to Kilkeel Harbour (in this Act called "the railway") and a pier at Greencastle, in the county of Down, and with power to raise forty-five thousand pounds in shares and to borrow fifteen thousand pounds on mortgage : 39 & 40 Vict.
c. clxiv.

And whereas by the London and North-western Railway (Additional Powers) Act, 1878, the powers of making and maintaining the said pier at Greencastle, and otherwise in relation thereto, were transferred to and vested in the Dundalk, Newry, and Greenore Railway Company : 41 & 42 Vict.
c. clxxxi.

And whereas no part of the capital authorised by the Act of 1876 has been raised, and none of the powers of that Act so far as regards the purchase of land and making of the railway have been exercised, and it is expedient that the railway should be abandoned, and the affairs of the Company wound up and the Company dissolved :

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 Greencastle and Kilkeel Railway (Abandonment) Act, 1880. Short title.

[*Local.-41.*]

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Railway to
be aban-
doned.

2. The Company shall abandon the making of the railway, 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 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 by the Company under the authority of this Act of the 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 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 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 Act of 1876.

8 & 9 Vict.
c. 20.

Compensa-
tion to be
made in
respect of
railway
abandoned.

4. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway, or any portion thereof, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company 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.

8 & 9 Vict.
c. 18.

Provision
for release of
deposit.

5. Subject to the provisions of section twenty-eight of the Act of 1876, 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 the persons or the majority of the persons named in the warrant or order mentioned in the twenty-seventh section of the Act of 1876, or the survivors or survivor of them, or on the application of the person or persons for the time being respectively entitled thereto, by petition in a summary way,

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(*Abandonment*) Act, 1880.

order that the sum of one thousand three hundred and sixty-five pounds sixteen shillings, mentioned in the said twenty-seventh section of the Act of 1876, together with any interest or dividends due and payable thereon, may be respectively paid or transferred to the person or persons so applying, or to any other person or persons whom they or he may appoint in that behalf, and upon such order being made the said sum, and the interest or dividends thereon, shall be paid and transferred to such person or persons accordingly. A.D. 1880.

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. Provision for winding up affairs of Company.

7. When all the debts, liabilities, and engagements of the Company are paid, satisfied, or 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 the Greencastle and Kilkeel Railway and Pier Act, 1876, shall be by this Act repealed, save and except such of the powers, rights, privileges, liabilities, and obligations respecting the pier or wharf authorised by that Act as were transferred to and vested in the Dundalk, Newry, and Greenore Railway Company by section 50 of the London and North-western Railway (Additional Powers) Act, 1878. 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. Expenses of Act.

