CHAPTER xlvi.

An Act to authorise the Abandonment of the Railway authorised by the Ballymena and Portglenone Railway Act 1879 and the Tramways authorised by the Ballymena and Ahoghill Tramways Act 1885. [4th June 1886.]

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WHEREAS by the Ballymena and Portglenone Railway Act 1879 (herein-after called "the Act of 1879") the Ballymena and Portglenone Railway Company (herein-after called "the Railway Company") were incorporated with powers to make a railway from the Ballymena and Larne Railway at Ballymena to Portglenone in the county of Antrim and the powers of the said Act were extended by the Ballymena and Portglenone Railway Act 1882 (herein-after called "the Act of 1882"):

And whereas mainly owing to the conditions imposed upon the Railway Company under the said Act of 1879 as to the mode of constructing their railway the said company were unable to carry their undertaking into execution:

And whereas the said company have not exercised any of the powers conferred upon them by the said Acts for making the said railway except that they took steps to acquire two small pieces of land in the townland of Ballykeel in the parish of Ballyclug and county of Antrim adjoining the Ballymena and Larne Railway comprising respectively thirty-three perches and one rod and thirteen perches or thereabouts which pieces of land were delineated on the deposited plans and described in the deposited books of reference referred to in the said Act of 1879 being parts of the lands thereon numbered 32, 33 and 34 in the said townland and parish:

And whereas the arbitrator acting in pursuance of the Lands Clauses Consolidation Act 1845 as amended by the Railways Act (Ireland) 1851 and the Acts amending the same made his final award relative to the said pieces of land on the seventeenth day of August one thousand eight hundred and eighty and certain of the

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moneys payable by way of compensation under the said award have been already paid and a certain other sum amounting to four hundred pounds was lodged in the Bank of Ireland on the second day of July one thousand eight hundred and eighty to the credit of "Ex parte the Ballymena and Portglenone Railway Company. In "the matter of the Railways Act (Ireland) 1851 and of the "Reverend Robert Casement of Harryville Ballymena in the county "of Antrim clerk in holy orders and all persons having or claiming "to have any estate or interest or claiming to have any charge or "incumbrance or any interest in such charge or incumbrance in "respect of those pieces of land and premises numbered 32 and 33 "in the draft award of Edmund Murphy Esquire made in this "matter dated the seventeenth day of June one thousand eight "hundred and eighty containing respectively thirty-three perches "and one rod and thirteen perches statute measure and situate in "the townland of Ballykeel and county of Antrim":

And whereas the moneys paid under the said award and lodged in the bank as aforesaid amounting in the whole to five hundred and fifty pounds or thereabouts were the moneys of and provided by the Ballymena and Larne Railway Company and the said pieces of land have in fact been used and are now used for the purpose of the Ballymena and Larne Railway Company (herein-after called "the Larne Company") and it is expedient that provision should be made for transferring the same to that company:

And whereas by the Ballymena and Ahoghill Tramways Act 1885 (herein-after called "the Act of 1885") the Ballymena and Ahoghill Tramways Company (herein-after called "the Tramway "Company") were incorporated and authorised to construct certain tramways between Ballymena and Ahoghill having in great measure for their object the accommodation of the district which the railway of the said Railway Company had been designed to serve:

And whereas some of the persons mainly interested in the promotion of both the said undertakings have since died and it is improbable that funds can now be obtained for carrying either of the said undertakings into effect and it is expedient that the said undertakings should be abandoned and the said companies 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):—

Short title.

1. This Act may for all purposes be cited as the Ballymena and Portglenone Railway and Ballymena and Ahoghill Tramways (Abandonment) Act 1886.

Abandonment of railway and tramways.

2. The Railway Company may and shall abandon the making of the railway authorised by the Act of 1879 and the Tramway Company may and shall abandon the making of the tramways authorised by the Act of 1885 and after the passing of this Act the said companies shall (except only as is by this Act otherwise expressly provided) be absolutely freed from all obligation with respect to the making and maintaining of their respective undertakings.

Compensation for damage to land by entry.

3. The abandonment of their respective undertakings by the Railway Company and the Tramway Company respectively 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 of either of the said companies 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 the works and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by either of the said companies 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 1879, 1882 and 1885 or any of them.

Compensation for non-completion of purchase.

4. Where before the passing of this Act any contract may have been entered into or notice given by the Railway Company for the purchasing of any land for the purposes of or in relation to the railway or by the Tramway Company for the purposes of or in relation to the tramway or any portion thereof respectively the Railway Company or the Tramway Company as the case may be 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 Railway Company or the Tramway Company as the case may be to the owners or 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 Consolidation Act 1845 as amended by any subsequent Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof. But nothing in this Act shall be deemed to give to the owners occupiers or other persons

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interested in the pieces of land which are transferred by this Act t the Larne Company with the obligations attaching thereto any right to claim compensation from the Portglenone Company in respect thereof.

Providing for release of deposit of Ballymena and Portglenone Company.

5. Subject to the provisions of section 52 of the Act of 1879 with respect to the compensation of landowners or other persons injured and to the protection of creditors and to the provisions of this Act 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 named in the warrant or order mentioned in the fifty-first section of the Act of 1879 or the survivor of them order that the deposit fund mentioned in that section and the interest or dividends thereon shall be transferred or paid 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 fund and any interest or dividends thereon shall be transferred or paid to such persons or person accordingly.

Providing for release of deposit of Ballymena and Ahoghill Company.

6. Subject to the provisions of section 43 of the Ballymena and Ahoghill Tramways Act 1885 with respect to the compensation of landowners or other persons injured and to the protection of creditors and to the provisions of this Act 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 named in the warrant or order mentioned in the forty-second section of the Act of 1885 or the survivor of them order that the deposit fund mentioned in that section and the interest or dividends thereupon shall be transferred or paid to the persons or person 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 fund and any interest or dividends thereon shall be transferred or paid to such persons or person accordingly.

Provision for winding up affairs of the Companies.

7. Forthwith after the passing of this Act the Railway Company and the Tramway Company shall respectively proceed to wind up their affairs and shall respectively pay satisfy and discharge all their respective debts liabilities and engagements.

Winding up under companies Acts of 1862, 1867 and 1883.

8. Notwithstanding any limitation or exception contained in section 199 of the Companies Act 1862 the Railway Company and the Tramway Company or either of them may on the application of a majority of the directors or surviving directors of such companies respectively be wound up under the Companies Acts 1862 and 1867 as amended by the Companies Act 1883 and the provisions of those Acts are hereby made applicable in that behalf.

Transferring land to Ballymena and Larne Company.

9. The Larne Company shall become subject to all the liability of the Railway Company under the said award of the seventeenth day of August one thousand eight hundred and eighty and shall pay all moneys payable under the said award so far as not already paid and discharge the obligations thereof in so far as they are not already discharged in the same manner as if they had been named therein instead of the Railway Company and the said pieces of land shall be by virtue of this Act transferred to and vested in the Larne Company and be held by them for and as part of their undertaking. The moneys lodged in the bank to the credit of the Railway Company as above mentioned shall be applied by the High Court of Justice in Ireland as if they had been lodged to the credit of the Ballymena and Larne Railway Company.

Dissolution of companies.

10. When all the debts liabilities and engagements of the Railway Company and the Tramway Company respectively are paid satisfied and discharged and the affairs of the said companies are wound up the said companies respectively shall be by this Act dissolved and shall thenceforth wholly cease to exist and thereupon the Acts of 1879, 1882 and 1885 shall be repealed.

Costs of Act.

11. 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 Railway Company and the Tramway Company in equal shares.

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