

[44 & 45 VICT.] *Glencairn Railway (Abandonment)* [Ch. lxxix.]
Act, 1881.



CHAPTER lxxix.

An Act for the Abandonment of the Glencairn Railway and
for authorising the repayment of the money deposited for
securing its completion. A.D. 1881.
[27th June 1881.]

WHEREAS by the Glencairn Railway Act 1872 (in this Act
referred to as "the Act of 1872") the Glencairn Railway
Company (in this Act called "the Company") were incorporated
for the purpose of making the railway therein described (in this
Act called "the railway") : 35 & 36 Vict.
c. clxxvi.

And whereas by the Act of 1872 the periods for the compulsory
purchase of lands for and for the completion of the railway were
limited to three and four years respectively from the passing of that
Act which received the Royal Assent on the sixth day of August
one thousand eight hundred and seventy-two :

And whereas by the Glencairn Railway (Revival of Powers) Act
1877 (in this Act called "the Act of 1877") all the rights powers
and authorities conferred upon the Company by the Act of 1872 for
the compulsory purchase of lands and the construction and com-
pletion of the railway were revived and the periods for the compulsory
purchase of lands for and for the completion of the railway were
limited to two and three years respectively from the passing of that
Act which received the Royal Assent on the tenth day of August
one thousand eight hundred and seventy-seven : 40 & 41 Vict.
c. ccxv.

And whereas by section nine of the Act of 1877 after reciting
that the sum of two thousand six hundred and seventy-seven
pounds and ten shillings being five per centum upon the amount
of the estimate in respect of the completion of the railway was
deposited with the Court of Exchequer in Scotland in respect of the
application to Parliament for the Act of 1872 as recited in the
twenty-fourth section of that Act and that that sum still remained
deposited in that Court it was enacted that notwithstanding any-
thing contained in the Act of the ninth and tenth years of Her
Majesty or the Act of 1872 recited the said sum so deposited should
not be paid or transferred to or on the application of the person or

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persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act of the ninth and tenth years of Her Majesty or the survivors or survivor of them unless the Company should previously to the expiration of the period limited by the Act of 1877 for completion of the railway either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by the Act of 1872 authorised to be raised by means of shares and have expended for the purposes of the Acts of 1872 and 1877 a sum equal in amount to such one half of the said capital and that if the said period should expire before the Company should either have opened the said railway for the public conveyance of passengers or have given such proofs as aforesaid to the satisfaction of the Board of Trade the said sum of money deposited as aforesaid should be applied in the manner therein-after specified that is to say towards compensating landowners and others in manner prescribed by the tenth section of the Act of 1877 which section further provided that if no such compensation should be payable or if a portion of the said sum of money should have been found sufficient to satisfy all just claims in respect of such compensation then the said sum of money 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 Court of Exchequer in Scotland should think fit to order on the application of the Solicitor of Her Majesty's Treasury and should be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Court if the Company should be 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 been unable to raise the capital necessary for the construction of the railway :

And whereas it is expedient that provision be made for the abandonment of the railway and for authorising the repayment of the money deposited as aforesaid but those objects 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 :

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1. This Act may be cited for all purposes as the *Glencairn Railway (Abandonment) Act 1881.* A.D. 1881.

Short title.

2. The Company may and shall abandon the construction 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 and discharged from all obligation with respect to the making and maintaining of the railway. Railway to be 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 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 (Scotland) Act 1845* or the Act of 1877. Compensation for damage to land by entry &c. for purposes of railway abandoned.
8 & 9 Vict. c. 33.

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 any portion of the railway 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 (Scotland) Act 1845* as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof. Compensation to be made in respect of railway abandoned.

5. Subject to the provisions of section ten of the Act of 1877 and to the provisions of this Act relating to compensation to land-owners and other persons injured and for protection of creditors the Court of Exchequer in Scotland 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 ninth Provision for release of deposit.

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section of the Act of 1877 or the survivors or survivor of them or the executors or administrators of such survivor by petition in a summary way order that the sum of two thousand six hundred and seventy-seven pounds ten shillings mentioned in the said ninth section of the said Act and the interest or dividends thereon or the securities upon which the same may have been or may be invested may be 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 of two thousand six hundred and seventy-seven pounds ten shillings and the interest or dividends thereon and the securities aforesaid shall be paid or transferred to such person or persons accordingly.

Provision
for winding-
up affairs of
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.

Dissolution
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 Acts of 1872 and 1877 shall be by this Act repealed.

Expenses of
Act.

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