



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. cxx.*

An Act to amend and enlarge the Powers of the Acts relating to the *Portadown and Dungannon* Railway Company, and to enable that Company to extend their Railway to the Town of *Omagh* in the County of *Tyrone*, and to enter into certain Arrangements with the *Ulster* and other Railway Companies with respect to the working and leasing of the Railway; and for other Purposes. [10th August 1857.]

**W**HEREAS the *Portadown and Dungannon* Railway Com- 10 & 11 Vict,  
 pany (in this Act called the Company) was incorporated c. cliii.  
 by "The *Portadown and Dungannon* Railway Act, 1847,"  
 and were empowered to make a Railway, commencing by a Junction  
 with the *Ulster* Railway, in the Townland of *Corcraïn* in the Parish  
 of *Drumcree* in the County of *Armagh*, to the Townland of *Bally-*  
*saggart* in the Parish of *Donaghmore* in the County of *Tyrone*, and  
 were authorized for such Purpose to raise by Shares the Sum of One  
 hundred and fifty-four thousand seven hundred and seventy-five  
 [Local.] 20 A Pounds,



*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*16 & 17 Vict.  
c. lvii.

Pounds, and by Mortgage of the Undertaking the Sum of Fifty-one thousand five hundred and eighty-five Pounds: And whereas the Times for the compulsory Purchase of Lands, and for the Completion of the Works limited by such Act, were extended by "The *Portadown and Dungannon Railway Act, 1853*," and the Period granted for such last-mentioned Purpose will expire on the Twenty-eighth Day of *June* in the present Year: And whereas the Company have proceeded with the Execution of the Works, authorized by the first and secondly recited Acts, and have purchased or contracted to purchase nearly the whole of the Land required for the Purposes thereof, and are about to open a considerable Part of the Line for public Traffic: And whereas an Extension Railway from the authorized Line of the *Portadown and Dungannon Railway*, commencing in the Townland of *Gortmerron* in the Parish of *Drumglass* in the said County of *Tyrone*, and terminating by a Junction with the Extension from *Omagh* to *Enniskillen* at *Omagh* of the *Londonderry and Enniskillen Railway*, would be of great public and local Advantage: And whereas Plans and Sections of the Works by this Act authorized showing the Lines and Levels thereof, and a Book of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the Works will pass, were duly deposited at the Office of the Clerk of the Peace for the County of *Tyrone* in the Month of *November* One thousand eight hundred and fifty-six: And whereas it is expedient that the Name of the Company should be changed, and the Time limited for the Completion of the Works extended, and that they should be authorized to relinquish a Portion of the authorized Line of the Railway near the Town of *Dungannon*, and should be enabled to raise additional Capital, and also additional Money on Mortgage or Bond, and to guarantee, in respect of any unissued Capital authorized to be raised by the first-recited Act, a Preference or Priority in Payment of Dividend over the ordinary Capital of the Company: And whereas it is expedient that the *Ulster Railway Company* (herein-after called the *Ulster Company*) should be authorized to subscribe towards the Extension of the Railway to *Omagh*, or to enter into other Arrangements for the Purpose of facilitating the Completion of that Extension and the effectual working thereof, and of the *Portadown and Dungannon Railway*: And whereas it is expedient that the Company should be enabled to grant, and the *Ulster Company* to accept, a Lease of the Railway authorized to be made by the recited Acts, and that Provision should be made for the Construction and Use of a joint Station at *Omagh*, and for the Use of the Lines of Railway running into the same: And whereas it is expedient that the recited Acts should be amended in other respects; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it  
may



Portadown, Dungannon, and Omagh Junction Railway Act, 1857.

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 Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*" Short Title.

II. In the Construction of this Act the Expression "the recited Acts" shall mean "The *Portadown and Dungannon Railway Act, 1847,*" and "The *Portadown and Dungannon Railway Act, 1853;*" the Expression "the original Railway" shall mean the Railway authorized to be made by the recited Acts; the Expression "the Extension Railway" shall mean the Railway and Works authorized to be constructed by this Act. Interpretation of Terms.

III. All the Provisions of the recited Acts, and of the Acts incorporated therewith, for the Construction of the original Railway, and of the Stations, Approaches, Conveniences, and Works connected therewith, are hereby extended until the Thirty-first Day of *July* One thousand eight hundred and fifty-eight (except as to such Part of the original Railway as is by this Act authorized to be relinquished), and after that Day the Powers granted by the recited Acts, and extended by this Act, for making the original Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such Railway and Works as shall then be completed. Extension of Time for completing original Railway.

IV. If the original Railway, in respect of the Completion of which an Extension of Time is by this Act granted, be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, the Company shall forfeit to Her Majesty a Sum not exceeding Twenty Pounds for every Day during which such Railway shall remain unopened. Penalty for neglecting to open Railway within limited Period.

V. The Company shall abandon and relinquish the making of so much of the Line of the original Railway as is situate between the Commencement of the Extension Railway, in the Townland of *Gortmerron* in the Parish of *Drumglass*, and the Termination of the authorized Line of the *Portadown and Dungannon Railway*, in the Townland of *Ballysaggart* and Parish of *Donaghmore*, at or near *Dungannon* in the County of *Tyrone*. Company to abandon a Portion of original Railway.

VI. In any Case where before the passing of this Act any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were by the recited Acts empowered Compensation to be made when Contracts have been



Portadown, Dungannon, and Omagh Junction Railway Act, 1857.

entered into  
or Notices  
given for  
Lands on the  
Part of the  
Railway to be  
abandoned.

empowered to purchase for the Purpose of constructing the Portion of the Railway to be abandoned, the Company shall make to the Owners and Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that the abandoning the Formation of the aforesaid Portion of the Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation, for any Damage that may have been sustained by the Entry of the Company upon such Lands for the Purposes of surveying and taking Levels, and of probing and boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

8 & 9 Vict.  
cc. 16., 18.,  
& 20.,  
14 & 15 Vict.  
c. 70., and  
19 & 20 Vict.  
c. 72. incor-  
porated.

VII. "The Lands Clauses Consolidation Act, 1845," "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Railways Act, *Ireland*, 1851," and "The Railways Act, *Ireland*, 1856," shall be incorporated with and form Part of this Act.

Where Cer-  
tificates of  
Omissions  
and Altera-  
tions in Plans  
are to be  
deposited.

VIII. Provided always, That the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Deposit with the Postmasters of Post Towns in *Ireland* of Certificates of Omissions, Mis-statements, or erroneous Descriptions in certain Plans and Books of Reference therein referred to, and of certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament, shall, for the Purposes of this Act, be read and construed as if the Expression "Clerks of the Union within which such Parishes are included in *Ireland*" were substituted for "the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," and as if the Words "Clerks of the Union" were substituted for the Word "Postmasters," wherever the same respectively occur in the said Provisions.

Power to  
construct  
Extension  
Railway  
according to  
deposited  
Plans.

IX. The Company may, subject to the Provisions of this Act and of the Acts incorporated therewith, and the Powers of Deviation given by "The Railways Clauses Consolidation Act, 1845," make and maintain the Extension Railway herein-after particularly described, with all proper Works, Stations, Approaches, and Conveniences connected

*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*

nected therewith, in the Line and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined on the Section to those Plans; and the Company may enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Book of Reference as may be necessary for such Purposes.

X. The Extension Railway shall commence by a Junction with the authorized Line of the *Portadown and Dungannon Railway* in or near a certain Field or Inclosure in the Townland of *Gortmerron* in the Parish of *Drumglass* in the County of *Tyrone*, numbered 15 in the Plans of the *Portadown and Dungannon Railway*, referred to in the *Portadown and Dungannon Railway Act, 1847*, and terminate by a Junction with the Extension from *Omagh to Enniskillen* of the *Londonderry and Enniskillen Railway* in the Townland of *Meeting-house Hill* in the Parish of *Drumragh* and County of *Tyrone*.

Line of Extension Railway.

XI. The following public Roads, being numbered on the deposited Plans as follows, may be crossed by the Extension Railway on the Level with Two Lines of Railway; (that is to say,)

Certain Roads may be crossed on a Level.

Number on Plan.	Townland.	Parish.
42	Kilmakardle - -	Pomeroy.
68	Gortnagarn - -	Ditto.
26	Tiroony - - -	Termonmaguirk.
12	Ballintrain - -	Ditto.
24	Six-Mile Cross - -	Ditto.
5	Tattykeeran - -	Clogherney.
17	Edenderry - -	Cappagh.
5 and 35	Garvaghy - -	Ditto.

XII. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on a Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of

Company to erect Station or Lodge where Roads crossed on the Level.

[Local.]

20 B

Twenty



*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*

Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridge instead of level Crossing.

XIII. The Board of Trade (if it shall appear to them necessary for the public Safety), at any Time either before or after the Extension Railway hereby authorized to be made shall have been completed and opened for public Traffic, may require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Extension Railway by means of a Bridge or Arch instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Inclination of certain Roads.

XIV. The Company may in constructing the Extension Railway alter the Inclinations of the following Roads, so that the same be not made steeper than the Rates of Inclination herein mentioned for such Roads respectively :

Number on Plan.	Townland.	Parish.	Rate of Inclination.
68	Gortnagarn - -	Pomeroy - - -	1 in 15, 1 in 21.
26	Tiroony - -	Termonmaguirk -	1 in 12½.
51	Drumcoo - -	Drumglass - -	1 in 10.
6	Mullygruen - -	Donaghmore -	1 in 15.
8	Gortavoy - -	Pomeroy - -	1 in 12.
33	Aghnaglea - -	Termonmaguirk -	1 in 10½.
57	Coolesker - -	Clogherney - -	1 in 17, and 1 in 20.
73	Dergmoney, Lower	Drumragh - -	1 in 16.

Period for Completion of Works.

XV. If the Extension Railway shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for constructing such Extension Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railway not completed and opened for public Traffic within Five Years,

XVI. In case the Extension Railway shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Company or the Directors thereof shall not pay any Dividend to the Shareholders on the



Portadown, Dungannon, and Omagh Junction Railway Act, 1857.

the ordinary or unguaranteed Capital of the Company until the Extension Railway shall have been completed and opened for public Traffic.

Payment of Dividends on ordinary Shares to be suspended.

XVII. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Subscription Contract to be valid.

XVIII. The Company may demand and receive for and in respect of the Extension Railway Tolls and Charges at the same Rate and Scale as they are authorized to demand and receive by "The Portadown and Dungannon Railway Act, 1847," upon the original Railway.

Tolls upon Extension Railway.

XIX. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Traffic carried upon the Extension Railway shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the said Act; and in estimating the Tolls and Charges in respect of Articles or Persons conveyed for short Distances partly upon the original Railway and partly upon the Extension Railway, the Extension Railway shall be deemed Part of the original Railway.

Maximum Tolls.

XX. With respect to small Parcels carried on the Railways by the recited Acts and this Act authorized the Company may lawfully demand the Tolls following; (that is to say,)

Tolls for small Parcels.

For the Carriage of small Parcels on any of the Railways, or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Sixpence:

For any Parcel exceeding Seven but not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel exceeding Fourteen but not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence:

For any Parcel exceeding Twenty-eight but not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for Parcels booked by Passenger Trains exceeding Fifty-six Pounds in Weight, and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages.

XXI. From



*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*

Alteration of  
Name.

XXI. From the passing of this Act the Name, Style, and Title of the Company shall be "*The Portadown, Dungannon, and Omagh Junction Railway Company,*" instead of the *Portadown and Dungannon Railway Company,* and by that Name the Company shall thenceforth have and exercise all the Powers now vested in the *Portadown and Dungannon Railway Company* as the same Powers are limited by this Act; and the recited Acts shall be read and interpreted as if the Name of "*The Portadown, Dugannon, and Omagh Junction Railway Company*" were inserted throughout, in lieu of the Name of the *Portadown and Dungannon Railway Company.*

Actions not  
to abate.

XXII. No Action, Suit, Bill, Process, Writ, Indictment, Information, or any other Proceeding, whether civil or criminal, or any Proceedings now pending under "*The Railways Act, Ireland, 1851,*" which at or immediately before the passing of this Act had been commenced and were then pending, whether at the Suit or Instance of the *Portadown and Dungannon Railway Company* against any other Corporation, or against any Person, or at the Suit or Instance of any other Corporation or of any Person against the same Company, shall abate, determine, or be otherwise impeached or affected for or by reason of the aforesaid Change of the Name of the Company, nor shall any Notice, Tender, Requisition, Warrant, Summons, Pleading, civil or criminal, Writ or other Process, Record, Deed, Contract, Agreement, Writing, or Instrument that shall have been or shall be made, issued, written, or commenced, be deemed to be vacated, discharged, invalidated, prejudiced, or affected by reason of the Company or Railway being therein respectively called by the Name of the *Portadown and Dungannon Railway Company,* or the *Portadown and Dungannon Railway;* and it shall not be necessary in any Bill, Suit, Indictment, Information, Proceeding, Notice, Tender, Requisition, Warrant, Summons, Pleading, civil or criminal, Writ or other Process, or in any Record, Deed, Contract, Agreement, Writing, or other Instrument or Matter, to aver that the Company had been called or known from the Time of the passing of the first-recited Act until the Time of the passing of this Act by the Name of the *Portadown and Dungannon Railway Company,* or that the Railway had been called or known within that Period by the Name of the *Portadown and Dungannon Railway,* and that by this Act the Names of the Company and their Undertaking were changed as aforesaid, and that after the passing of this Act the Company had been called and known by the Name of "*The Portadown, Dungannon, and Omagh Junction Railway Company,*" but it shall be deemed true, lawful, and sufficient therein to aver the Style and describe the Company by the Name of "*The Portadown, Dungannon, and Omagh Junction*"



*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*

*Junction Railway Company,*” and their Undertaking by the Name of “*The Portadown, Dungannon, and Omagh Junction Railway,*” in the same Manner as if the Company in and by the first-recited Act had been originally incorporated, called, or known by the Name of “*The Portadown, Dungannon, and Omagh Junction Railway Company,*” and as if the Undertaking had been called and known by the Name of “*The Portadown, Dungannon, and Omagh Junction Railway.*”

XXIII. Notwithstanding the Change of Name of the Company, all the Provisions of any and every Act of Parliament relating to the Company, and on the passing of this Act in force, shall be of as full Force and Effect as if such Change of Name had not happened, and may be exercised, enforced, and enjoyed by and against the Company to all Intents.

Provisions of  
other Acts  
continued.

XXIV. Notwithstanding the Change of Name of the Company, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the recited Acts, or any of them, shall be as valid as if this Act were not passed, and such Change of Name and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Change of Name had not happened and this Act were not passed would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively: Provided always, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

General  
Saving of  
Rights under  
recited Acts.

XXV. Notwithstanding the Change of Name of the Company, all Purchases, Sales, Securities, and Contracts before the Commencement of this Act made under the recited Acts, or either of them, or with reference to the Purposes thereof, shall be as effectual to all Intents for, against, and with respect to the Company as if the Name of the Company had remained unchanged.

Contracts,  
&c. pre-  
served.

XXVI. The Company may apply towards the Purposes of this Act any of the Moneys which by the recited Acts they are still authorized to raise, and which they may not now require for any of the Purposes of the said Acts.

Application  
of Moneys.

XXVII. The Company from Time to Time may issue any Shares not yet issued by them, and also any Shares in the Stead of any  
[Local.] 20 C Shares

As to unis-  
sued Shares.



Portadown, Dungannon, and Omagh Junction Railway Act, 1857.

Shares which may have been forfeited or cancelled (but so that the whole Amount of the nominal Share Capital of the Company which they were authorized to raise by the first-recited Act shall not exceed One hundred and fifty-four thousand seven hundred and seventy-five Pounds), and may create the said Shares of such nominal Value as the Company shall determine, and may attach to the same Shares or any of them such Preference or Priority of Dividend over the ordinary Capital of the Company authorized to be raised by the first-recited Act, not exceeding the Rate of Six Pounds *per Centum per Annum*, as may from Time to Time be determined upon by the Company: Provided always, that no such Shares shall be issued, or Preference attached thereto, unless by the Vote of the Majority of an Extraordinary Meeting of the Company.

Power to raise additional Capital by new Shares.

XXVIII. The Company may raise by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the recited Acts, any further Sum of Money not exceeding in the whole the Sum of One hundred thousand Pounds.

New Shares to be considered same as original Shares.

XXIX. The Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any General Meeting of the Company, and shall, except as otherwise provided in this Act, be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company, subject to the Provisions of this Act, from Time to Time to fix as they shall think fit.

Limiting Amount of Calls.

XXX. One Fifth of the Amount of any Share shall be the greatest Amount of any One Call which shall be made in respect of such new Shares, and Three Months at the least shall be the Interval between successive Calls, and not more than Two Thirds of the Amount of any Share shall be called in any One Year.

Holder of new Shares to participate in general Dividends of the Company

XXXI. The Holders of the new Shares by this Act authorized to be created shall be entitled to participate in the general Dividends from Time to Time declared by the Company on their ordinary Capital upon (but not before) the Expiration of Six Months after the  
Period



Portadown, Dungannon, and Omagh Junction Railway Act, 1857.

Period at which the Extension Railway shall be opened for public Traffic throughout. after a certain Time.

XXXII. It shall not be lawful for the Holders of any Share created under the Authority of this Act to transfer the same until One Fifth of the Amount of such Share shall have been paid up. When new Shares are to be transferable.

XXXIII. When and so soon as the whole Capital of the Company authorized to be raised by this Act shall have been subscribed for, and One Half thereof shall have been paid up, the Company may borrow on Mortgage or Bond any further Sums of Money, not exceeding Thirty-three thousand Pounds, in addition to the Amount authorized to be raised under the Powers of the recited Acts. Power to borrow on Mortgage.

XXXIV. All Mortgages already entered into under the Powers of the recited Acts, or either of them, shall have Priority over the Mortgages by this Act authorized to be made. Mortgages under former Acts to have Priority.

XXXV. All Money raised by virtue of this Act by the Creation of additional Shares or by Mortgage, beyond the Amounts authorized to be raised by Shares or by Mortgage by virtue of the recited Acts, shall be applied to the Purposes of this Act only. Application of Moneys raised.

XXXVI. The *Ulster* Company may contribute to an Extent not exceeding Forty thousand Pounds towards the Execution of the Extension Railway, and may appropriate and apply for that Purpose any Sums of Money which they are authorized to raise or which shall have been raised by them respectively under the Provisions of the Acts relating to the *Ulster* Railway or any of them, and which may not be required for the Purposes to which they are by any such Acts made specially applicable, and the *Ulster* Company may take and hold Shares representing that Amount of Capital in the Company, and they shall have all the Powers, Rights, and Privileges, and be subject to all the Obligations and Liabilities, of Proprietors of similar Shares in the Company, and may appoint a Person to vote on their Behalf, in the same Manner as they are empowered to do by "The *Ulster* and *Portadown and Dungannon* Railways Act, 1856:" Provided always, that the Shares so held by the *Ulster* Company may be sold and transferred by that Company; but if and so long as they exercise the Power given by the last-mentioned Act of appointing a Director of the Company the Person appointed to vote on their Behalf shall not, by virtue of such Appointment, vote in respect of such Shares in relation to the Election of Directors by the Shareholders of the Company. Ulster Company may contribute Funds and hold Shares.

XXXVII. The



*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*

Power to  
Ulster Com-  
pany to  
guarantee  
Payment of  
annual Sum  
in respect of  
Extension  
Shares.

XXXVII. The *Ulster* Company, in lieu of becoming Shareholders in the Capital of the Company, may, if they think fit, guarantee out of their Funds or Revenues the Payment in respect of the additional Capital by this Act authorized to be raised, or any Part thereof, of an annual fixed or contingent Sum upon such Terms and Conditions as may be agreed upon between the Company and the *Ulster* Company.

Guarantee  
of Dividend  
not to affect  
existing Pre-  
ference.

XXXVIII. Any Guarantee, Preference, or Priority of Dividend which may be granted in respect of any Shares issued under the Powers of this Act by the Company or by the *Ulster* Company shall not prejudice or affect any Guarantee, Preference, or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company or by the *Ulster* Company, as the Case may be, in pursuance of or which may have been created or confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Company  
may lease  
existing Un-  
dertaking  
to *Ulster*  
Railway  
Company.

XXXIX. Subject to the Approval of the Board of Trade as herein-after mentioned, and with the Consent of Three Fifths of the Votes of the Shareholders of each Company Party to the Lease herein-after mentioned, assembled at a Special Meeting convened for the Purpose, the Company may grant and the *Ulster* Company may accept a Lease for any Term or Number of Years not exceeding Ten Years which may be agreed upon between the Companies of all or any Part of the Undertaking which was authorized to be made by "The *Portadown and Dungannon* Railway Act, 1847," and the Property for the Time being vested in the Company for the Purposes of that Undertaking, and all or any of the Tolls, Rates, and Duties which the Company is or may be empowered to raise and levy, and all or any of the Rights, Powers, and Privileges of which the Company is or may be or become possessed with reference to that Undertaking, at or under such annual or other Rents, or for or in consideration of such Share of the gross or net Earnings or Profits, or for such other Considerations, and with, under, and subject to such Powers, Provisoos, Stipulations, Conditions, and Agreements, as the Companies from Time to Time approve.

Power to  
enter into  
Traffic Ar-  
rangements.

XL. The *Ulster* Company and the Company may from Time to Time enter into Arrangements with respect to the following Purposes or any of them; (that is to say,)

The Use and Working by the *Ulster* Company of all or any Part of the original Railway, and of the Extension Railway, and the Use of the Works and Conveniences belonging thereto:

The



Portadown, Dungannon, and Omagh Junction Railway Act, 1857.

The Conveyance by the *Ulster* Company of the whole or any Part of the Traffic upon the said Railways respectively :

The Division and Apportionment of such Traffic between the said Companies respectively :

The Supply of any Working or Rolling Stock required for such Purposes :

The Use or Purchase by the *Ulster* Company of the Rolling or Working Stock belonging to the Company or any Part thereof :

The Management, Maintenance, and Repair of the original and Extension Railways, or either of them :

The Costs and Expenses of such Working, Management, Maintenance, and Repair :

The Forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies of any Passenger or other Traffic which may be conveyed upon and from the Railways of the *Ulster* Company to and along the original Railway and Extension Railway, or either of them, or any Part thereof, or which may be conveyed upon and along such last-mentioned Railways, or either of them, to and along the *Ulster* Railway, or any Part thereof :

The Collection, Delivery, and general Conduct of such Traffic :

The fixing of the Tolls, Rates, and Charges to be levied or taken by the said Companies, or either of them, in respect of the Traffic conveyed over their respective Railways or any Part thereof respectively, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively :

The Collection, taking, and levying of the said Tolls, Rates, and Charges :

The Division between the said Companies of the Receipts arising from the Traffic upon their respective Railways, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them by virtue of the said Arrangements in respect either of the original Railway or of the Extension Railway.

XLI. No Lease of the original Railway, nor any Arrangement for working the same or the Extension Railway, shall be for more than Ten Years, and no such Lease or Arrangement shall have any Operation until the same shall have been approved of by the Board of Trade, and no such Lease or Arrangement shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the Company shall for the Time being be authorized and entitled to demand and receive from any Person or any other Com-

Duration of Lease or Arrangement ;

to be approved by Board of Trade.

[Local.]

20 D

pany ;



*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*

Lease and Arrangement not to affect Persons not Parties thereto.

pany; but all other Persons and Companies shall, notwithstanding any such Lease or Arrangement, be entitled to the Use and Benefit of the Railway comprised in such Lease or Arrangement upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Lease or Arrangement had been entered into: Provided always, that the said Board shall not approve such Lease or Arrangement without being satisfied that the same has been duly assented to by Three Fifths of the Votes of the Shareholders of the respective Companies Parties thereto in Extraordinary Meetings assembled for that Purpose.

Lease, &c. may be renewed with Approval of Board of Trade.

XLII. At the Expiration of any such Lease or Arrangement the said Companies, with the Consent of an Extraordinary Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Lease of the original Railway, or into any further Arrangement with respect to the working of the original Railway and Extension Railway for a further Period not exceeding Ten Years, provided that before such Companies shall enter into any such further Lease or Arrangement they shall give Notice of their Intention to enter into such Lease or Arrangement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in the County of *Tyrone*; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Lease or Arrangement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Lease or Arrangement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Public Notice to be given of such Intention of Renewal.

Lease, &c. inoperative until approved.

Lease, &c. not to take effect unless approved by Three Fifths of Proprietors.

XLIII. None of the Powers and Provisions of this Act with respect to any Lease of the original Railway by the *Ulster* Company, nor with respect to any working Arrangement with that Company, shall have any Operation or Effect unless and until the Contracts and Arrangements intended to be made for such Purposes respectively shall have been submitted to the Proprietors, and approved of by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of the Companies Parties to such Lease or Arrangement specially convened for that Purpose.

Meetings, how to be convened.

XLIV. Such Meetings shall be called by Advertisements inserted for Two successive Weeks in a Newspaper published in *Dublin* at least Two Days in the Week, and in some Newspaper of the County

or



Portadown, Dungannon, and Omagh Junction Railway Act, 1857.

or Counties in which the principal Offices of the Companies Parties to such Lease or Arrangement are situate, the last of which Advertisements shall be published not less than Seven Days before such Meetings respectively, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Companies, in accordance with the Provisions of the Acts relating to the Companies.

XLV. This Act shall not prejudice or affect any existing Agreement between the Companies entered into in pursuance of the Powers given by "The *Ulster and Portadown and Dungannon Railways Act, 1856*," nor prevent the Companies from altering or annulling any such Agreement, and entering into a new Agreement under the Powers given by that Act and this Act or either of them.

Existing Agreements not to be affected.

XLVI. In estimating the Tolls or Charges to be paid during the Continuance in force of any such Contract or Agreement for Lease or working Arrangements as aforesaid in respect of Articles or Persons conveyed for short Distances partly upon the *Ulster Railway* and partly upon the Railways, or either of them, by the recited Acts and this Act authorized, the last-mentioned Railways shall be deemed to be Part of the *Ulster Railway*.

Traffic on both Lines not to be subject to short Distance Clause on both Lines.

XLVII. And whereas a joint Station at *Omagh* for the Accommodation of the Traffic upon the Extension Railway and the *Londonderry and Enniskillen Railway* (herein-after called the *Londonderry Railway*) would facilitate the Interchange of Traffic between those Railways: Therefore the following Provisions shall be in force with respect to a joint Station at *Omagh* for the Use of the Company and the *Londonderry and Enniskillen Railway Company* (herein-after called the *Londonderry Company*); that is to say,

Provision as to Station at Omagh.

If previous to the Opening of the Extension Railway, or any Part thereof, so as to form a Communication with the *Londonderry Railway*, the *Londonderry Company* shall at their own Expense and upon their own Land construct a Station at *Omagh*, with all necessary Sidings, Sheds, Works, and Conveniences adequate in all respects for the Accommodation of the Traffic of both Railways, and have the same ready for Use by both Companies, then and in such Case the Company shall not construct any Station at *Omagh* until the Expiration of Five Years from the Opening throughout of the Extension Railway by this Act authorized to be made:

The Arrangement and User of such joint Station, and the User by the Company of such Part of the *Londonderry Railway* as may intervene between the joint Station and the Junction with that Railway of the Extension Railway authorized to be made by this Act,

Act,



*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*

Act, and the fixing, Regulation, or Apportionment of the Tolls, Rates, and terminal Charges to be taken by the *Londonderry* Company from the Company for the Use of such Portion of Railway and for the Use of such joint Station, and the Accommodation to be afforded to the Company for booking Passengers and Goods, for Offices, and the Number of Officers and Servants to be employed, and the Use of Sidings, Sheds, Warehouses, Watering-places, and other Conveniences, and all other Arrangements incident to the Use of the joint Station, and the Charges to be made in respect thereof shall be settled by Agreement, or in case of any Question, Dispute, or Difference with reference to those Matters or any of them arising between the Companies, the same shall from Time to Time be settled by an Arbitrator to be appointed by the Board of Trade :

The *Londonderry* Company shall not be entitled to demand any other Rates or Tolls for the Use of the Portion of Railway between the Junction of the Extension Railway and the joint Station than such Rates or Tolls as are so settled by Agreement or Arbitration :

The Management and Control of the joint Station, subject to the Provisions and Arrangements for the Use thereof contained in this Act, or in any Agreement made in pursuance thereof, or settled by Arbitration under the Powers given by this Act, shall be in the *Londonderry* Company :

If after the Expiration of Five Years from the Opening throughout to the Public of the Extension Railway the Company desire to erect a separate Station at *Omagh* in lieu of using the joint Station, the Company shall not be prevented from so doing by the Provisions herein-before contained with respect to the joint Station, but the Company shall repay to the *Londonderry* Company Three Fourth Parts of the Outlay of the last-mentioned Company upon such joint Station, subject to a reasonable Reduction for Depreciation ; but in estimating the Amount of such Outlay the same shall be assumed not in any Event to have exceeded Two thousand Pounds ; and in case of Dispute as to the Amount of such Outlay, or the Sum to be deducted for Depreciation, such Dispute shall be settled by an Arbitrator appointed by the Board of Trade.

Communica-  
tions with the  
*Londonderry*  
Railway.

XLVIII. The Communications of the Extension Railway with the *Londonderry* Railway shall be made at the Points shown in that Behalf on the Plans deposited for the Purposes of this Act, or within the Limits of Deviation shown thereon, and not at any other Point, without the Consent of the *Londonderry* Company under their Common Seal ; and all such Communications shall be effected in a substantial  
and



*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*

and workmanlike Manner by means of Connexion Rails and Points of the Construction and laid at the Place and in the Manner from Time to Time most approved and to the reasonable Satisfaction of the Engineer of the *Londonderry* Company.

XLIX. The Expense of the Communications with the *Londonderry* Railway, and of all necessary Openings in the Rails thereof, and of all other Works from Time to Time requisite for altering, amending, repairing, and maintaining such Communications, Rails, and Points, and of regulating and adjusting the same, shall be borne and paid by the Company; and all such Communications, Openings, and other Works shall be made and done and from Time to Time be altered, amended, repaired, and maintained to the reasonable Satisfaction of the Engineer of the *Londonderry* Company, and in every Case in such Manner and by such Means as shall not in anywise prejudice the *Londonderry* Railway, or impede or interfere with the free, uninterrupted, and safe Passage along that Railway.

Cost and Approval of Communications with Londonderry Railway.

L. The Company, or any other Company or Person acting under this Act, shall not, without the Consent of the *Londonderry* Company under their Common Seal, either permanently or temporarily enter upon, take, or use any of the Land or Property of that Company, or which they have Power to take or use, save only for the Purpose of effecting the Junctions therewith by this Act authorized.

Consent of Londonderry Company to taking their Land.

LI. The Company shall not, out of any Money by this or the recited Acts authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls on his Shares: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him in anticipation of Calls as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid on Calls paid up.

LII. The Company shall not, out of any Money by this or the recited Acts authorized to be raised for the Purposes thereof, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of Company's Capital.

LIII. This Act or anything therein or in the recited Acts shall not exempt the Railways and Works from the Provisions of any General Act relating to this Act, or of any General Act or any Act now in

Railway not exempt from Provisions of present and future General Acts.



---

*Portadown, Dungannon, and Omagh Junction Railway Act, 1857.*

---

force or which may hereafter pass during this or any future Session of Parliament relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force, or from any future Revision and Alteration, under the Authority of Parliament, of the Tolls for small Parcels, and the maximum Rates of Fares and Charges, by this Act or the recited Acts authorized.

Expenses of  
Act.

LIV. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

---

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1857.