ANNO DECIMO NONO

VICTORIÆ REGINÆ.

Cap. xviii.

An Act to enable the *Ulster* Railway Company to subscribe towards the Undertaking of the *Portadown and Dungannon* Railway Company, and to authorize certain Arrangements between the said Companies, and for other Purposes.

[5th *June* 1856.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from the Town of* Belfast *to the City of* Armagh *in the Province of* Ulster *in* Ireland, by which Act a Company was incorporated by the Name of "The *Ulster* Railway Company" (which Company is in this Act called "the *Ulster* Company"): (6 & 7 W. 4. c. xxxiii.) And whereas another Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend an Act relating to the* Ulster *Railway Company, and to enable the said Company to make a Railway from* Portadown *to* Armagh: And whereas another Act (8 & 9 Vict. c. cxiv.)

was

18 & 19 Vict. c. liii. was passed in the last Session of Parliament, intituled *An Act to enable the* Ulster *Railway Company to make a Railway from* Armagh *to* Monaghan, *and to enlarge their Station at* Belfast, *and for other Purposes:* And whereas the recited Acts are in this Act called "the *Ulster* Acts:" And whereas an Act was passed in the Eleventh Year

10 & 11 Vict. c. cliii. of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Portadown *in the County of* Armagh *to* Dungannon *in the County of* Tyrone, *to be called* "*The* Portadown and Dungannon *Railway*," by which Act a Company was incorporated by the Name of "The *Portadown and Dungannon* Railway Company," which Company is in this Act called "the *Dungannon* Company:" And whereas another Act was passed in the Seventeenth Year of the Reign of Her

16 & 17 Vict. c. lvii. present Majesty, intituled *An Act to extend and amend the Powers and Provisions of* "*The* Portadown and Dungannon *Railway Act*, 1847:" And whereas the Two Acts lastly herein-before recited are in this Act called "the *Dungannon* Acts:" And whereas the *Dungannon* Company have hitherto been unable to execute their Undertaking, and will still be unable to complete the same, unless Assistance is afforded to them by the *Ulster* Company: And whereas the Completion of the *Portadown and Dungannon* Railway (in this Act called "the *Dungannon* Railway") would be advantageous to the *Ulster* Company: And whereas at a Meeting of the *Ulster* Company specially convened for the Purpose, and held in the Month of *August* One thousand eight hundred and fifty-five, it was unanimously resolved that the *Ulster* Company should subscribe for Shares in the Undertaking of the *Dungannon* Company to an Amount not exceeding Twenty thousand Pounds, and it is expedient to render that Resolution valid and effectual, and that the *Ulster* Company should be authorized to subscribe towards and become Shareholders in the Undertaking of the *Dungannon* Company as herein-after mentioned: And whereas it is expedient that the *Ulster* Company should work the Traffic upon the *Dungannon* Railway as soon as that Railway shall be opened for public Traffic: And whereas such Purposes 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. I. This Act may be cited for any Purpose as "The *Ulster* and *Portadown and Dungannon* Railways Act, 1856."

II. It

Ulster Company to subscribe to and acquire Shares in Dungannon Company, in accordance with Terms of Resolution at Meeting of August 1855.

II. It shall be lawful for the *Ulster* Company, in accordance with the Resolution of that Company herein-before mentioned, to subscribe to, and to acquire, take, and hold Shares in the Undertaking of the *Dungannon* Company to any Extent not exceeding Twenty thousand Pounds: And it shall be lawful for the *Ulster* Company to appropriate and apply to the Purposes aforesaid any Sums of Money which they are authorized to raise, or which shall have been raised by them respectively under the Provisions of the *Ulster* Acts or any of them, and which may not be required for the Purposes to which they are by any such Act made specially applicable: Provided always, that it shall not be lawful for the *Ulster* Company to assign or transfer any Shares which they may acquire in the Undertaking of the *Dungannon* Company under the Authority of this Act.

Power for Ulster Company to appoint Person to vote on their Behalf.

III. The *Ulster* Company or their Directors may, if they shall think fit, from Time to Time, so long as that Company continue to hold Shares in the Undertaking of the *Dungannon* Company, appoint some Person (whether a Proprietor of Shares in that Undertaking or not) to vote on their Behalf at any Meeting of the *Dungannon* Company, and may from Time to Time revoke any such Appointment, and appoint another Person in that Behalf; and the Person so for the Time being appointed shall, during his Appointment, have (except as hereinafter mentioned) the same Right of voting at any such Meeting as he would have had if the Shares in the Undertaking for the Time being held by the *Ulster* Company were held by such Person in his own Right: Provided always, that every such Appointment or Revocation shall be in Writing, and under the Seal of the *Ulster* Company or under the Hand of the Chairman for the Time being of the Directors of that Company: Provided also, that if and so long as the *Ulster* Company exercise their Power of appointing a Director of the *Dungannon* Company under the Powers of this Act in that Behalf, the Person appointed by the *Ulster* Company to vote on their Behalf shall not by virtue of such Appointment be entitled to vote upon any Question touching the Election of a Director or Directors of the *Dungannon* Company.

Option to Ulster Company of appointing One Director.

IV. So soon as the *Ulster* Company shall have become Subscribers to the Undertaking to the Extent of Twenty thousand Pounds, One Director of the *Dungannon* Company, to be determined among themselves, shall, within Two Months after a Requisition in Writing to

that

that Effect under the Seal of the *Ulster* Company shall have been delivered to the Secretary of the *Dungannon* Company, go out of Office, and the Directors of the *Ulster* Company may appoint One Person (whether or not being a Shareholder in the *Dungannon* Company) to be a Director of the *Dungannon* Company; and the Directors of the *Ulster* Company may from Time to Time remove any Director appointed by them, and may appoint another Person (whether or not being a Shareholder in the *Dungannon* Company) in the Stead of any Director who shall be so removed, or who shall die, resign, or become incapable of acting.

A Certificate of the Appointment, &c. of any such Director to be sufficient Evidence.

V. A Certificate in Writing of the Appointment, Removal, Resignation, or Incapacity of any Director of the *Dungannon* Company appointed on behalf of the *Ulster* Company, under the Common Seal of that Company, or under the Hand of the Chairman for the Time being of the Directors of that Company, shall, as soon as conveniently may be after the Event therein certified shall have occurred, be deposited at the principal Office of the *Dungannon* Company, and shall be sufficient Evidence of the Fact thereby certified: Provided always, that if the Directors of the *Ulster* Company shall at any Time fail or omit to appoint a Director or Directors of the *Dungannon* Company under the Powers in that Behalf herein contained, the Powers of the remaining Directors of that Company shall be in nowise affected by such Failure or Omission.

Certain Provisions of 8 & 9 Vict. c. 16. not to apply to any Director appointed by the Ulster Company.

VI. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," (incorporated with "The *Portadown and Dungannon* Railway Act, 1847,") with respect to the Election, Qualification, Retirement from Office, and Rotation of Directors, shall not apply to any Director of the *Dungannon* Company appointed by the *Ulster* Company under the Provisions of this Act.

If Number of Directors of Dungannon Company is increased, then the Ulster Company may increase Number of Directors also.

VII. In the event of the Number of Directors of the *Dungannon* Company being increased under the Provisions of the *Dungannon* Acts, the Power of the Directors of the *Ulster* Company to appoint a Director of the *Dungannon* Company shall likewise be increased in such Manner as that the Number of Directors appinted on behalf of the *Ulster* Company shall always bear the same Proportion to the Number of Directors of the *Dungannon* Company for the Time being as the Proportion which One bears to Five (the present Number of those

those Directors), and if at any Time the Number of the Directors of the *Dungannon* Company is increased, the Number after such Increase shall be either Ten, Fifteen, or Twenty, of whom (if Ten) Two, (if Fifteen) Three, (if Twenty) Four, may be appointed by the Directors for the Time being of the *Ulster* Company in manner herein-before provided.

Ulster Company to work the Dungannon Railway.

VIII. When and so soon as the *Dungannon* Railway is opened for public Traffic, the *Ulster* Company may use, work; regulate, and manage the Traffic thereon, and the *Ulster* Company may demand and take on and in respect of the *Dungannon* Railway such Tolls and Charges as the *Dungannon* Railway Company are authorized to levy thereon: Provided always, that the Tolls, Rates, and Charges to be demanded and taken by the *Ulster* Company upon the *Dungannon* Railway shall not exceed the maximum Tolls and Charges authorized by "The *Portadown and Dungannon* Railway Act, 1847:" Provided also, that so long as the *Ulster* Company work the Traffic on the *Dungannon* Railway, that Railway shall, for the Purpose of determining the Tolls and Charges to be made for short Distances, be considered as Part of the *Ulster* Railway: Provided also, that the Terms and Conditions upon which the said Railway is to be worked by the *Ulster* Company shall be finally settled by the Persons who shall respectively be Chairmen of the Two Companies on the First Day of *August* One thousand eight hundred and fifty-six, or by some Umpire to be appointed by such Chairmen, or by some Umpire to be appointed by the Board of Trade in case such Chairmen shall not agree as to the Appointment of an Umpire: Provided also, that such Terms and Conditions shall be submitted to and shall be subject to the Approval of the Board of Trade.

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

IX. This Act or anything therein contained shall not exempt the Railways for the Time being of the said Companies, or either of them, from the Provisions of any General Act relating to the recited Acts or to this Act, or of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session, or the Revision and Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges, or of the Rates for small Parcels leviable on such Railways.

Expenses of Act.

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

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