CHAP. clxxii.

An Act to facilitate the Incorporation of the Mining Company of Ireland, and to define and extend the Objects and Powers of the Company; and for other purposes. A.D. 1871.

[24th July 1871.]

WHEREAS by an Act passed in the session holden in the fifth year of the reign of His late Majesty King George the Fourth, chapter one hundred and fifty-eight, intituled "An Act to enable "the Mining Company of Ireland to sue and to be sued in the "name of their secretary, or of one of the members of the said "Company," in this Act called the Act of 1824, it was recited (among other things) to the effect that several persons had formed themselves into a company or partnership in the city of Dublin by the name of "The Mining Company of Ireland," in this Act called the Company, and had subscribed or raised considerable sums of money for the purpose of carrying on, by themselves, their agents, overseers, workmen, and servants, the opening and working of all mines of coal, culm, lead, copper, lapis-calaminaris, iron and iron-stone, cobalt, manganese, tin, antimony, gold, silver, and all other minerals, ores, and fossils of what nature or kind soever, and of all quarries of marble, stone, slate, sand, and all beds of clay, flint, and other matters usually found and discovered in the earth fit and proper for making of any wares or manufactures whatsoever, and of all beds of ochre and fullers earth, to which the Company should become entitled, or of which they should or might obtain any grant, conveyance, or demise: 5 G. 4. c. 158.

And whereas by the Act of 1824 it was, for more easily carrying into execution the several undertakings therein-before mentioned, enacted, among other things, to the effect that all actions and suits to be commenced, instituted, or carried on by or on behalf of the Company, or of the members, partners, or proprietors interested therein for the time being, might be commenced, instituted, and carried on in the name of the secretary for the time being of the

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Company, or in the name of the person acting or officiating as such, or in the name of any one member for the time being of the Company, as the nominal plaintiff for and on behalf of the Company, and that all actions and suits to be commenced or instituted against the Company, and all prosecutions on behalf of the Company, should be brought and carried on as therein provided:

And whereas by an indenture dated the eighteenth day of January one thousand eight hundred and twenty-five, in this Act called the deed of agreement, after reciting, among other things, the formation of the Company and the obtaining of the Act of 1824, the persons therein described agreed together to continue and be a Company under the name aforesaid, for the term of one thousand years, for the purposes in that deed of agreement mentioned, with a capital of five hundred thousand pounds, divided into twenty thousand shares of twenty-five pounds each, and to carry on the business of the Company upon the terms and in the manner in that deed of agreement provided:

And whereas it is expedient that the Company should be empowered to purchase, manufacture, and sell ores of any kind or origin whatever, and the products thereof, and that other powers should be conferred on them:

And whereas the Company are desirous of obtaining incorporation in perpetuity by registration under the Company's Act, 1862, in pursuance of Part VII. thereof, but they cannot obtain the same by reason of the deed of agreement limiting the existence of the Company to a term of one thousand years; and it is expedient that the incorporation of the Company should operate in perpetuity, and that on such incorporation the Act of 1824 should be repealed, and the deed of agreement, as far as it embodies or is based on that Act, should be annulled, and that with a view to such incorporation the objects of the Company should be defined:

And whereas the purposes 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 Mining Company of Ireland Act, 1871."

Interpretation of terms.

2. In this Act—

"The Company" means "the Mining Company of Ireland:"

"The Act of 1824" means "the recited Act of the fifth year of the reign of King George the Fourth:"

"The deed of agreement" means "the recited indenture of the 18th day of January 1825."

Objects of the Company.

3. The objects of the Company shall be the following; namely,

The searching for, opening, and working in Ireland of all mines of coal, culm, lead, copper, lapis-calaminaris, iron and iron-stone, cobalt, manganese, tin, antimony, gold, silver, and all other minerals, ores, and fossils, of what nature or kind soever, and of all quarries of marble, stone, slate, sand, and all beds of clay, flint, and other matters usually found and discovered in the earth, fit and proper for making any wares or manufactures whatsoever, and of all beds of ochre and fullers earth, and also exercising lawfully all or any of the powers by this Act conferred on them, and the doing of all such other lawful things as are incidental or conducive to the attainment of the objects aforesaid.

Power to purchase, import, and utilise copper ore, pyrites, &c.

4. The Company may from time to time purchase, import, or otherwise acquire, calcine, smelt, and utilise copper ores, pyrites, pyrites smalls, and all other ores, minerals, metals, metallic, and mining substances wherever found, and dress, prepare, make merchantable, and sell the same and the products thereof, and carry on the trades of alkali, sulphuric acid, salt, and artificial manure manufacturers and smelters in all their branches, and make, purchase, import, or otherwise acquire and sell all materials, articles, and things, whether in the crude or in the manufactured state, necessary or proper to be used in carrying on the operations or trades aforesaid, or any operation connected therewith, or any other operation or business of the Company, and erect, acquire, hold, and use buildings, ships, lighters, boats, and machinery necessary or expedient for carrying on any such operation, trade, or business as aforesaid, and do all other lawful acts and things necessary or convenient in, or in relation to, the exercise of any of the powers aforesaid: Provided the works for carrying on the manufacturing purposes of the Company shall be situated in Ireland.

Company to prevent the influx of deleterious matter into the river Avonmore.

5. In carrying on the business and works herein-before mentioned, or intended or authorised to be carried on under the provisions of this Act, the Company shall, as to any portion of their mines and works adjoining or near to the River Avonmore, or any of the tributaries of the River Avonmore, from time to time and at all times use their best endeavours to prevent, and shall prevent as far as the same may be reasonable and practicable in carrying on the

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business and works aforesaid, the influx of foul and deleterious matter into the said river or the waters thereof; and shall, for that purpose, erect and maintain, at each dressing floor, slime pits with ponds, such ponds to retain the water for at least three days.

Provisions on incorporation of Company.

6. When and as soon as the Company is registered under "The Companies Act, 1862," in pursuance of Part VII. thereof, the following provisions shall take effect; namely,

(1.) The incorporation of the Company shall operate in perpetuity:

(2.) The Act of 1824 shall be by virtue of this Act repealed:

(3.) The deed of agreement as far as the same requires compliance with or refers to any provision of the Act of 1824 shall be by virtue of this Act annulled:

(4). All such property, real and personal (including all interests and rights into and out of property, real and personal), as at the date of registration is held in trust for the Company, shall by virtue of this Act, on registration, pass to and vest in the Company as incorporated for all the estate and interest of the several trustees for the Company therein; but the Company shall satisfy all claims of those trustees and others in respect of costs, charges, and expenses connected with those trusts, or otherwise affecting the Company in relation to such property as aforesaid.

Copy of Act to be produced to registrar.

7. The production to the registrar of a copy of this Act shall be and be deemed for all purposes to be sufficient authority for the registration by him of the Company, in pursuance of the provisions of this Act and of the Companies Act, 1862.

Saving liabilities of members of the Company.

8. No provision of this Act, nor the incorporation of the Company under "The Companies Act, 1862," shall release any members of the Company from any liability in respect of any debt or responsibility incurred or obligation entered into before such incorporation.

Company's liability for nuisance.

9. Nothing in this Act contained shall exempt the Company from liability for nuisance.

Expenses of Act.

10. All the 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.

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