



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxxviii.

An Act for amending and enlarging the Provisions of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to encourage the working of Mines and Quarries in Ireland, and to regulate a Joint Stock Company for that Purpose, to be called "The West Cork Mining Company."* [30th June 1837.]

WHEREAS an Act was made and passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to encourage the working of Mines and Quarries in Ireland, and to regulate a Joint Stock Company for that Purpose, to be called "The West Cork Mining Company,"* whereby among other things it was enacted, that the several Persons therein named, and their several Executors, Administrators, and Assigns, and such other Person and Persons, Bodies and Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as in the said Act mentioned, their

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several and respective Executors, Administrators, Successors, and Assigns, should have full Power and Authority from Time to Time and at all Times thereafter to search for and work all such Mines and Mine-works, Quarries, Pits, Beds, Veins, and other Bearings of Copper, Iron, or Coal, and other Mineral Matters and Products, in that Part of the United Kingdom of *Great Britain and Ireland* called *Ireland*, as in the said Act mentioned, and with divers other Powers and Authorities as in the said Act specified and contained, and should for those Purposes be a Joint Stock Company by the Name and Description of "The *West Cork Mining Company*:" And whereas the Provisions of the herein-before recited Act are found to be inadequate to the due Regulation and Government of the said Company, and it is therefore expedient that the same be amended and enlarged; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That it shall be lawful for the Directors of the said Company at any Meeting of such Directors, or for any Five or more of the Shareholders for the Time being of the said Company who shall at the Time possess altogether not less than One hundred Shares in the said Company, to call a Special General Meeting of the Shareholders of the said Company, by Fourteen Days public Notice to be given in the *London Gazette* and the *Dublin Gazette*, and any One or more of the public Newspapers circulated in *London*, (such Notice to be signed by the Person or Persons calling such Meeting, and to specify the Object of such Meeting, and the Time and Place when and where the same is intended to be held, and such Place may be either at the Office of the said Company, or some other convenient Place within the City of *London*,) and the said Shareholders are hereby authorized to meet according to any such Notice, and to take into consideration the Matter or Matters specified in such Notice; and it is hereby enacted and declared, that such Meetings shall in all respects not herein specially provided for be conducted and regulated according to the Provisions of the said recited Act concerning the General Meetings of the said Company, and shall have all the Powers and Rights by the said Act vested in Special or General Meetings of the said Company, and generally to regulate and determine all Matters whatsoever relating to the said Company specified in the Notices convening the same.

The Directors or any Five Shareholders possessing One hundred Shares empowered to call a Special General Meeting.

II. Provided also, and be it further enacted, That if at any Meeting of the said Company to be convened pursuant to this Act there shall not be Fifteen Shareholders present who together, as Principals or Proxies, shall possess Three hundred Shares or upwards in the said Company, in every such Case such Meeting shall not proceed with the Matter for which such Meeting shall have been convened, and, if the Majority of the Shareholders then present so agree, such Meeting shall stand adjourned to that Day Three Weeks; and if such last-mentioned Number of Shareholders, as Principals or Proxies, shall not then attend, then such General Meeting shall again (if the Majority of the Shareholders then present so agree) stand adjourned to that Day Three Weeks; and so on from Time to Time as often as it shall so happen, and until at such General Meeting there shall be present such Number as aforesaid of Shareholders as Principals or Proxies: Provided always, that Ten Days Notice of every such adjourned Meeting be given by Advertisement in the same Manner as herein-before directed respecting the Meetings to be convened by virtue of this Act.

Adjourn-
ment of
Meetings.

III. Provided always, and be it enacted, That from and after the passing of this Act no Shareholder shall be deemed qualified or be entitled to vote, either in Person or by Proxy, at any Meeting to be held pursuant to the said recited Act or this Act, or any other Meeting of the Shareholders of the said Company, unless he or she shall have *bonâ fide* possessed his or her Shares in respect whereof he or she shall claim to vote, and been entered in the Books of the said Company as the Proprietor thereof for the Space of Six Calendar Months next previously to such Meeting: Provided always, that any Person succeeding or becoming entitled to any Share or Shares by Right of Marriage, or as a Legatee or legal personal Representative of any deceased Owner, or by Assignment under any Bankruptcy or Insolvency, shall be entitled to vote as aforesaid, in case Six Calendar Months shall have elapsed prior to such Meeting since the last Transfer on a *bonâ fide* Sale of such Shares.

Proprietors
not entitled
to vote unless
possessed of
their Shares
Six Calendar
Months.

IV. And be it further enacted, That all the Books, Accounts, Deeds, Papers, and Writings belonging to the said Company shall at all reasonable and convenient Times be open to the Inspection of any Shareholder or Shareholders of the said Company for the Time being who shall be the Owner or Owners of not less than Fifty Shares in the said Company, and such Shareholder or Shareholders, or his, her, or their authorized Agent on his or her Behalf, upon Production of a written Authority for the Purpose, may take Copies

Books, &c.
to be open to
Inspection
of Share-
holders hold-
ing Fifty
Shares.

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of or Extracts from all or any of such Books, Accounts, Deeds, Papers, and Writings, without Fee or Reward, at all reasonable and convenient Times.

Any General Meeting of the Company under this Act may be specially convened as a substituted Meeting, and in lieu of the General Meeting by original Act directed to be held.

V. And whereas it was by the same herein-before recited Act (amongst other things) enacted, that there should be held in each Year, after the Year One thousand eight hundred and thirty-four, Two General Meetings of the said Company in the City of *London* or the City of *Westminster*, (that is to say,) on the First *Wednesday* in the Month of *February* and the First *Wednesday* in the Month of *July*, or within Thirty Days after such Days respectively, of which several Meetings the Directors should cause such Notice to be given by Advertisements as therein mentioned, and that the First Meeting to be held by virtue of the said now reciting Act should be holden as therein mentioned; and it was thereby (amongst other things) provided, that the Proprietors qualified to vote as in the said now-reciting Act mentioned, or such Number of such qualified Proprietors as in the said now-reciting Act mentioned present at any General or Special General Meeting, or at any Adjournment thereof, should have Power, as in the said now-reciting Act is mentioned, to elect Persons to be Directors and Auditors of the said Company, and to regulate, control, and make Provisions for the Management and carrying on the Affairs of the said Company, and to transact any Business relative thereto: And whereas the Half-yearly Meeting which, according to the Directions of the said recited Act, ought to have been held on the First *Wednesday* in the Month of *February* in this present Year of our Lord One thousand eight hundred and thirty-seven, or within Thirty Days afterwards, hath not been convened or held, and, the Time prescribed for that Purpose by the said Act being now elapsed, it is expedient to provide a Remedy for the same, and it is likewise expedient to provide a Remedy against any like Omissions in future; be it therefore further enacted and declared, That any General Meeting or Meetings of the said Company, to be convened at any Time or Times under the Provisions of this present Act, may be specially convened as a substituted Half-yearly General Meeting or substituted Half-yearly General Meetings of the said Company, and may be held in lieu of the said General Meeting which was by the said recited Act directed to be held on the First *Wednesday* in the Month of *February* in this present Year, or within Thirty Days afterwards as aforesaid, or any future Half-yearly Meeting or Meetings by the said recited Act directed to be held which hereafter may not be convened and held at the Time and in the Manner directed by the said Act; and every such substituted Half-yearly Meeting (except as to the Time

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and Mode of convening and holding the same) shall be subject to all the Regulations and shall have all the same Powers as in and by the said recited Act provided with respect to the Half-yearly Meetings thereby directed to be held as aforesaid, and shall be as valid and effectual as, and shall for all Purposes be deemed and taken as, Half-yearly Meetings held according to the said Act, and as if the same had been duly convened and held at the Time and in the Manner by the said Act directed respecting the said Half-yearly Meetings of the said Company.

VI. Provided always, and be it further enacted, That if any Half-yearly Meeting of the said Company by the said Act directed to be held as aforesaid shall hereafter be held at the Time and in Manner directed by the said Act, and there shall in the meantime have been any Omission to call and hold any preceding Half-yearly Meeting or Meetings according to the said recited Act, or any substituted Half-yearly Meeting or Meetings by this Act authorized to be held, then and in every such Case the Half-yearly Meeting so held shall take into consideration and decide upon the Matters appointed for or which might or ought to have been considered and determined upon at such omitted Meeting or Meetings; and such Meeting so to be held shall in all respects proceed and be deemed and taken, as near as may be, as if such omitted Meeting or Meetings had been duly and regularly held.

Half-yearly Meeting to consider and decide upon Matters which might have been determined at omitted Meetings.

VII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat or lessen any Liability of the Directors of the said Company to any Action, Suit, or otherwise for or in respect of the Omission to call any Meeting according to the Directions of the said recited Act.

Directors to continue liable for omitting to call Meetings.

VIII. And whereas Doubts have arisen as to the Manner in which Execution ought to be levied upon Judgments recovered against the said Company or the Directors thereof, according to the Provisions of the said Act, and it is expedient to remove such Doubts; be it therefore declared and enacted, That it shall and may be lawful for any Person or Persons entitled to take out Execution for and in respect of any Judgment already obtained or hereafter to be obtained against any Managing Director, or any other Director, as a nominal Defendant for and on behalf of the said Company, to levy the Amount of his, her, or their Damages and Costs upon the reserved Fund of the said Company, and all other Property whatsoever belonging to the said Company.

Creditors who have obtained Judgment against Managing Director, &c. may levy the Amount of Damages and Costs upon the reserved Fund of the Company.

Expences
of Act to
be paid out of
the Funds of
the Company.

IX. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act shall be paid and discharged out of the Monies belonging to the said Company.

Public Act.

X. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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