

be deemed to be the agreement of the said two or more corporations.

243. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate or counterpart thereof in the office of the secretary of state, the said two or more corporations mentioned or referred to in the said first section, shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned; and the details of such agreement shall be carried into effect, as provided therein.

Ibid s. 22.
Agreement to
be filed.

244. Upon the election of the first board of directors of the corporation created by the agreement in the twenty-first section of this act mentioned and by the provisions of this act, all and singular, the rights and franchises of each and all of said two or more corporations, parties to such agreement, all and singular their rights and interest in, and to every species of property, real, personal and mixed, and things in action, shall be deemed to be transferred to and vested in such new corporation, without any other deed of transfer; and such new corporation shall hold and enjoy the same, together with all the rights of way, and all other rights of property in the same manner, and to the same extent, as if the said two or more corporations, parties to such agreement should have continued to retain the title and transact the business of such corporations and the titles and the real estate acquired by either of said two or more corporations shall not be deemed to revert or be impaired by means of anything in this act contained; *provided*, that all rights of creditors, and all liens upon the property of either of said corporations, parties to said agreement, shall be and hereby are preserved unimpaired; and the respective corporations shall continue to exist as far as may be necessary to enforce the same; and *provided* further, that all the debts, liabilities and duties of either company shall thenceforth attach to such new corporation and be enforced from the same, to the same extent and in the

Ibid. s. 23.

Property and
franchises
vested in new
company.

Proviso.
Rights of credit-
tors.

Proviso.