



CHAPTER cxvii.

An Act to enable the Pudsey Coal Gas Company to raise further capital; and for other purposes. A.D. 1887

[19th July 1887.]

WHEREAS the Pudsey Coal Gas Company (in this Act called “the Company”) are constituted by the Pudsey Gas Act 1855 (which repealed a former Act relating to the Company) and are empowered under that Act to supply gas within the townships of Pudsey and Calverley-cum-Farsley in the parish of Calverley in the west riding of the county of York:

And whereas the paid-up capital of the Company authorised by the said Act consists of fifty-eight thousand pounds whereof the sum of sixteen thousand pounds is stock with a maximum dividend of ten pounds per centum per annum and forty-two thousand pounds is stock with a maximum dividend of seven pounds per centum per annum and the Company owe no money on mortgage or bond:

And whereas the existing works and plant of the Company for the manufacture and supply of gas are inadequate to enable them properly to meet the demand for gas within the limits supplied by the Company and it is expedient that the Company should be authorised to raise additional capital in order to enable them to enlarge and extend their works and plant:

And whereas it would conduce to the simplification of accounts and the facility of management that the ten per centum stock and the seven per centum stock of the Company should be consolidated into one stock in manner and subject to the conditions in this Act provided:

And whereas it is expedient that the Company should be authorised to purchase by agreement additional lands for the purposes of their undertaking other than the manufacture or storage of gas or residual products:

And whereas it is also expedient that the Act of the Company should be in some respects amended and that the further powers

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And whereas the purposes aforesaid cannot be attained 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 be cited as the Pudsey Gas Act 1887.

Incorporation of general Acts.

2. The Gasworks Clauses Act 1847 (except sections thirty to thirty-four both inclusive) and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall subject to the provisions of this Act apply to the undertaking of the Company.

Extending certain provisions of the Companies Clauses Consolidation Act to the Company.

3. Subject to the provisions of this Act the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

shall extend and apply to the Company and to the additional capital which they are by this Act authorised to raise.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Act shall have the same respective meanings unless there be something in the subject or context repugnant to such construction and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act

wholly or partly incorporated with this Act shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1887.

5. Subject as is herein-after mentioned the Company may from time to time raise (in addition to any capital which they have at present power to raise) any sums not exceeding in the whole twenty-four thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock (if such share or stock shall be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof: Power to Company to raise additional capital.

Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twenty-four thousand pounds exclusive of loan capital. Provided also that the Company shall not create and issue in any one year following the passing of this Act any greater nominal amount of share and loan capital than shall be sufficient to produce in manner aforesaid eight thousand pounds.

6. The Company shall not raise any portion of the sum by this Act authorised to be raised by the creation or issue of shares or stock unless and until they have raised by mortgage of the undertaking or by the issue of debenture stock the whole amount of loan capital herein-after authorised or whilst a less sum than eight thousand pounds shall be charged on the undertaking of the company by mortgages or debenture stock. Company to borrow before further issue of shares or stock.

7. If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years they may in any subsequent year create and issue in addition to the amount prescribed for such year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid eight thousand pounds in respect of the year following the passing of this Act and eight thousand pounds in respect of every subsequent year then expired. If authorised capital for any year not raised the amount may be made up.

8. The capital in new shares or stock created under the powers of this Act shall subject to the provisions of this Act form part of the capital of the Company. New shares or stock to form part of capital.

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Rights of new shares or stock.

9. Every person who becomes entitled to any such new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall subject to the provisions of this Act be entitled to a dividend with the other holders of shares or stock.

New shares or stock to be offered by auction or tender.

10. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner. And provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money of capital sold by auction to be paid within three months.

11. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

As to notice to be given as to sale &c. of shares or stock.

12. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the respective clerks of the respective sanitary authorities for any districts wholly or in part within the limits supplied with gas by the Company and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating in the district within which the Company may supply gas.

Shares or stock not sold by auction or by

13. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same

respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act except that at such second offer such shares or stock may be sold at the best price that can be obtained and the reserved price put upon such shares or stock may if the Company think fit be less than the nominal amount thereof.

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tender to be
offered to
shareholders.

14. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works and plant of the Company or in the option of the Company in purchasing shares or stock (other than debenture stock) of the Company and shall not be considered as part of the capital of the Company entitled to dividend Any shares and stock so purchased shall be ipso facto cancelled and extinguished.

Application
of premium
arising on
issue of
shares or
stock.

15. As from the first day of July one thousand eight hundred and eighty-eight all the existing stocks of the Company shall be consolidated into a new stock entitled (subject to the provisions of this Act as to increase or decrease of dividend) to dividend at the standard rate :

Consolida-
tion of
stocks.

As from the said first day of July one thousand eight hundred and eighty-eight the several persons and corporations who shall then be proprietors of existing stocks of the Company shall become proprietors of the corresponding amount of new consolidated seven per centum stock in accordance with the subsequent provisions of this Act.

16. Subject to the provisions of this Act the existing stocks of the Company shall be converted into new consolidated seven per centum stock under this Act according to the following scale:—

Rate of
conversion.

For every one hundred pounds of existing ten per centum stock one hundred and forty-three pounds new seven per centum stock :

For every one hundred pounds of existing seven per centum stock one hundred pounds new seven per centum stock :

and so in proportion for any quantity less than one hundred pounds.

17. The respective allotments of new consolidated seven per centum stock to which the holders of existing stock by virtue of

Consolidated
stock to be
held on the

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same trusts
&c. as stock
for which
it is sub-
stituted.

this Act respectively become entitled in substitution for such last-mentioned stock shall be made by the Company and shall be accepted by and become vested in such holders accordingly and shall be forthwith registered in their respective names in the books of the Company and thenceforth held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in upon or to which the stock in lieu whereof the new consolidated stock is respectively substituted were held or were subject to immediately before the said first day of July one thousand eight hundred and eighty-eight and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing stock and trustees executors or administrators or other incapacitated parties may accept new consolidated stock in substitution for existing stock and may retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with existing stock.

Certificates
of stock to be
called in and
others issued.

18. The Company shall call in the certificates of the stock for which new consolidated stock shall be substituted under the powers of this Act and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates of new consolidated stock of the respective amounts to which those proprietors are by this Act respectively entitled. Provided always that in the meantime and until such exchange of certificates shall be made the existing certificates shall (according to the amounts of new consolidated stock which they respectively represent) have and possess the same rights and advantages as if they were certificates for those respective amounts of new consolidated stock issued under the provisions of this Act.

If certificate
lost or
destroyed
another to
be issued.

19. If the certificate for any existing stock for which new stock is or may be substituted be lost or destroyed then upon proof thereof to the satisfaction of the directors of the Company the directors shall deliver to the person entitled thereto a certificate for the amount of new consolidated stock to which he is under this Act entitled.

Transfers
of stock
although by
present name
to be valid.

20. All transfers or other dispositions of any stock of the Company as existing up to the conversion thereof into new consolidated stock under the provisions of this Act shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers of the respective amounts of new consolidated stock which the stock thereby expressed to be transferred or disposed of respectively represents or which are or may be substituted for the same under the provisions

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of this Act although the instrument transferring or disposing thereof respectively shall describe the same by the name or denomination which the stock transferred or disposed of had before such conversion. And the bequest of any specific nominal amount of any existing stock of the Company converted by this Act into stock of larger nominal amount shall be held to apply to a nominal amount of new consolidated stock equal to that into which such existing stock shall have been converted under the provisions of this Act.

21. From and after the first day of July one thousand eight hundred and eighty-eight the profits of the Company to be divided among the shareholders in any year on the ordinary share capital or stock of the Company shall not (except as in this Act provided) exceed the rate of seven per centum per annum on the amount paid up thereon which rate is in this Act referred to as "the standard rate of dividend."

Profits of Company limited to standard rate.

22. From and after the first day of July one thousand eight hundred and eighty-eight the standard price to be charged by the Company for gas supplied by them shall be three shillings and one penny per thousand cubic feet. Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Company as follows:—

Dividend dependent on price charged.

In respect of any year during which the price charged by the Company shall have been one penny or more above the standard price the dividend payable by the Company shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds:

And in respect of any year during which the price charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

23. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the authorised dividend and the dividend on the preference capital (if any) the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up

If profits exceed authorised dividend insurance fund may be formed.

A.D. 1887. capital of the Company be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth of the paid-up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident strikes or other circumstances which in the opinion of a justice due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen. Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Court of quarter sessions to have power of examining Company's accounts and ordering reduction in price of gas.

24. In lieu of section thirty-five of the Gasworks Clauses Act 1847 the following provisions shall apply:—

Any court of quarter sessions having jurisdiction over any part of the district supplied by the Company with gas may on the petition of any urban sanitary authority or of two gas ratepayers within the said district appoint an accountant or other competent person not being a proprietor of any gasworks or in any gas undertaking to examine and ascertain at the expense of the Company (the amount of such expense to be determined by the court) the actual state and condition of the concerns of the Company and to make report thereof to the said court at the then present or some following sessions and the said court may examine any witnesses upon oath touching the correctness of the report and the matters therein referred to and if it thereupon appear to the said court that the profits of the Company for the preceding year have exceeded the authorised dividend for that year having regard to the price charged by the Company and that the whole of the insurance fund has been and then remains invested may ascertain and determine to what extent the profits forming such excess would have increased the amount of dividend to the shareholders had the same been divided and paid under the section of this Act the marginal note of which is "Dividend dependent upon price charged" and may make such a reduction in the rate for gas supplied by the Company as in the judgment of the said court shall be proper having regard to the provisions in this Act contained.

25. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the authorised dividend on the ordinary shares or stock of the Company the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year and shall be applied in such year towards payment of dividend.

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Application of ultimate excess of profits over authorised dividend.

26. Where in any year the amount of the dividend of the Company on the ordinary share capital or stock of the Company may exceed the standard rate by reason of the price charged by the Company for gas in such year or any part thereof being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Company existing at the passing of this Act may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the authorised dividend on the ordinary shares or stock of the Company and save as in this Act otherwise provided no sum shall in any year be carried by the Company to any reserve fund.

Power to create a reserve fund out of dividends in excess of the standard rate of dividend and application thereof.

27. The reserve fund herein-before authorised shall not exceed the sum of five thousand pounds and any surplus beyond that sum arising in any year from dividends interest or otherwise shall be carried to the credit of the divisible profits of the undertaking for the year next following and be applied in such year towards payment of dividends but not so as in any case to increase any dividend beyond the amount by this Act authorised.

Limit of reserve fund.

28. The Company may from time to time subject to the provisions of this Act borrow on mortgage of their undertaking any sum or sums not exceeding in the whole the sum of eight thousand pounds.

Power to borrow.

29. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a

Appointment of receiver.

A.D. 1887. receiver is made shall not be less than five thousand pounds in the whole.

Borrowed money not to be converted into capital.

30. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act.

Debenture stock.

31. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts.

32. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act.

Application of moneys.

33. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Power to purchase additional lands by agreement.

34. In addition to the lands vested in the Company for the purposes of their undertaking the Company may at any time by agreement purchase or acquire and hold any lands not exceeding eight acres but nothing in this Act contained shall authorise the Company to manufacture gas or any residual products upon any such lands.

Gas not to be manufactured except on scheduled lands.

35. No lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Restriction on taking houses of labouring class.

36. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as

tenants or lodgers For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

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37. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight of not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Pressure of gas.

38. The prescribed number of candles shall be fifteen.

Quality of gas.

39. The prescribed testing place for the purpose of the twenty-eighth section of the Gasworks Clauses Act 1871 shall be the existing testing place at the Company's works.

Testing place.

40. The prescribed burner shall be Sugg's London Argand Burner No. 1 consuming five cubic feet per hour with a six-inch by one and three-quarter inch glass chimney measured outside but if at any time the gas flame rises above the top of that glass a six-inch by two-inch chimney measured outside shall be used or the prescribed burner may be any other burner which the Company may from time to time adopt with the approval of the Board of Trade.

Burner.

41. If any person is required by the Company to give to them security for the payment of the price or rent of the meter the Company shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Company to pay interest on money deposited as security for gas meter.

42. The Company with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary

Power to lay pipes against buildings.

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apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Power to supply gas for heating cooking and other purposes.

43. The Company may on the request of the owner or occupier of any property within the limits of the Company's supply give and continue to give a supply of gas for heating and ventilating such premises or for motive power cooking or other purpose on such property and may furnish and lay any pipes stoves apparatus fittings or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Company and such owner or occupier as aforesaid.

Expenses of Act.

44. All the costs charges and expenses of incident and preliminary to the preparing and applying for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

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Firstly All that plot or parcel of land situate in the township of Pudsey in the parish of Calverley in the county of York formerly part of a close of land commonly called or known by the name of "Crimbles Close" and containing by admeasurement one acre or thereabouts (be the same more or less) and bounded on the north and east by a footroad belonging or reputed to belong to the Albion Mill Company on the south by the plot of land next herein-after described and on the west by Acres Hall Lane otherwise Crimbles Road.

Secondly All that plot or parcel of land situate in the township of Pudsey aforesaid also formerly part of the said close called or known by the name of "Crimbles Close" containing by admeasurement one acre and twenty-three perches (be the same more or less) and bounded on the north by the property firstly herein-before described on the east by a footroad belonging or reputed to belong to the Albion Mill Company on the west by Acres Hall Lane and on the south by property now or lately belonging or reputed to belong to William Boocock.

Thirdly All that plot of land formerly part of two closes or parcels of land adjoining each other commonly called or known by the several names of "Upper Well" and "Lower Well Ing" containing by admeasurement two acres one rood thirty-three poles or thereabouts (be the same more or less) All which said premises are situate in the township of Pudsey aforesaid and are bounded on the north partly by property belonging or reputed to belong to the Overseers of the Poor of Pudsey aforesaid now in the occupation of John Halliday and partly by property belonging or reputed to belong to Thomas Proctor on the east by other part of the "Lower Well Ing" on the south partly by property belonging or reputed to belong to John Halliday and partly by property belonging or reputed to belong to Emanuel Boocock and on the west by property belonging or reputed to belong to the Albion Mill Company and which said premises are now in the occupation of the Company and also by the road leading thereto from the Hough Side Road.

Fourthly All that piece or parcel of land situate on the roadside at Bagley in the township and parish of Calverley in the said county of York containing seven hundred and eleven square yards or thereabouts And also all that piece or parcel of land adjoining thereto and situate at Bagley containing one thousand two hundred and ten square yards or thereabouts which said two pieces or parcels of land are bounded on the north east and west by property belonging or reputed to belong to Reuben Gaunt and on the south by the Farsley and Bramley Road and are now in the occupation of the Company.

London: Printed for HER MAJESTY'S STATIONERY OFFICE,
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