



CHAPTER cx.

An Act to confer further powers upon the Hexham Gas Company. A.D. 1903.
[21st July 1903.]

WHEREAS by the Hexham Gas Act 1881 (in this Act called "the Act of 1881") the Hexham Gas Company Limited were dissolved and the proprietors therein were re-incorporated by the name of the Hexham Gas Company (in this Act called "the Company") and were empowered to supply gas within the parishes of Hexham and Saint John Lee such part of the parochial township of Dilston in the parish of Corbridge as is situate to the west of the stream called the "Devil's Water" the parochial township of Warden and the chapelry of Newbrough both in the parish of Warden and the parochial townships of Humshaugh and Haughton both in the parish of Simonburn all in the county of Northumberland:

44 Vict.
c. xliv.

And whereas by the Act of 1881 the capital of the Company was fixed at twenty-four thousand pounds (including the capital then already raised) and the Company were empowered to borrow on mortgage of the undertaking the sum of eight thousand pounds:

And whereas the whole of the share capital of the Company has been issued and expended or allocated and has been raised as follows:—

- By the issue of eight hundred and ten fully paid-up ordinary shares of ten pounds each as provided by the Act of 1881 bearing dividend at the rate of ten per centum per annum;
- By the creation and issue of eight hundred and eighty-eight ordinary B shares of ten pounds each bearing dividend at the rate of seven per centum per annum being the number of shares issued to raise including the premiums the sum of eleven thousand nine hundred and four pounds;

[Price 1s.]

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By the creation and issue of three hundred and eighteen preference shares of ten pounds each bearing dividend at the rate of five per centum per annum being the number of shares issued to raise including the premiums the sum of three thousand nine hundred and ninety-six pounds :

And whereas the Company have under the powers of the Act of 1881 borrowed upon mortgage of the undertaking and now owe the sum of seven thousand four hundred pounds :

And whereas it is expedient that provision should be made as in this Act contained for the conversion and consolidation of the ordinary shares of the Company into one stock bearing a uniform rate of dividend of five per centum per annum subject to increase or reduction as in this Act provided :

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking :

And whereas the Company now supply gas at a fixed maximum price and it is expedient that provision should be made as in this Act contained whereby the rate of dividend payable by the Company upon their ordinary capital shall be regulated according to the price charged for gas upon the system known as the sliding scale of price and dividend :

And whereas the demand for gas within the limits of supply of the Company is increasing and it is expedient that the Company should be authorised to erect additional works for the manufacture and storage of gas and the manufacture and conversion of residual products upon the lands described in the schedule to this Act which lands belong or are reputed to belong to the Company :

And whereas it is expedient that the other provisions herein-after contained should be made :

And whereas the objects of this Act 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 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 as follows :—

Short title.

1. This Act may be cited as the *Hexham Gas Act 1903.*

Incorporation of Acts.

2. The Lands Clauses Acts and the Gasworks Clauses Act 1847 as amended by the Gasworks Clauses Act 1871 are (except

where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act. A.D. 1903.

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

- 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 borrowing of money by the Company on mortgage or bond ;
- The consolidation of the shares into stock ;
- 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 ;

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

4. The Company may upon the lands described in the schedule to this Act now belonging or reputed to belong to the Company erect and maintain gasworks retort-houses retorts gas-holders purifiers mains pipes machinery and other apparatus works and conveniences for the manufacture conversion and supply of gas coke tar pitch ammoniacal liquor and other residual products obtained in the manufacture of gas and on those lands may make store and convert gas and any residual products and any other substances products or matters producible therefrom or used in relation to the production or manufacture thereof. Powers as to construction and maintenance of gasworks &c. on lands described in schedule.

5. The Company may for the purposes of their undertaking purchase or take on lease and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act and the lands now held by them under the powers of the Act of 1881 any lands and hereditaments not exceeding in the whole three acres Power to purchase lands by agreement.

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which the Company may require for the purposes of or connected with their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the Act of 1881 and this Act.

Restriction
on taking
houses of
labouring
class.

6. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans 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 of such persons who may be residing with them.

Capital.

Consolidation
and
conversion
of capital.

7.—(1) On the first day of January one thousand nine hundred and four the ordinary shares and the ordinary B shares of the Company shall by virtue of this Act be consolidated and converted into an equivalent amount of ordinary stock bearing a uniform dividend at the rate of five per centum per annum as follows (that is to say):—

Eight hundred and ten ordinary shares into sixteen thousand two hundred pounds ordinary stock;

Eight hundred and eighty-eight ordinary B shares into twelve thousand four hundred and thirty-two pounds ordinary stock.

(2) The ordinary stock shall be divided among and vested in the several persons who on the said first day of January one thousand nine hundred and four are registered on the books of the Company as holders of the ordinary share capital in the Company in the proportion of twenty pounds of such stock for each ordinary share and fourteen pounds of such stock for each ordinary B share then held by them respectively.

(3) The Company shall create and issue ordinary stock sufficient for the purposes aforesaid.

(4) All persons in whom any such ordinary stock shall be so vested shall stand possessed thereof upon the like trusts and subject and liable to the like powers provisions declarations agreements charges liens and incumbrances upon or to which the shares in respect of which such ordinary stock is so vested were immediately before the said first day of January one thousand nine hundred and four held or subject and every deed or other instrument and every will or testamentary disposition of or affecting or purporting to affect or deal with such shares shall take effect with reference to the whole or a proportionate part as the case may be of the ordinary stock substituted therefor.

(5) The Company shall call in and cancel all the certificates of the existing ordinary shares and ordinary B shares and shall issue in lieu thereof to every holder thereof new certificates for the amount of ordinary stock to which he is entitled under the provisions of this section.

(6) Every new certificate shall be issued free of charge.

(7) No holder of the existing ordinary shares or ordinary B shares shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the share certificates for which such certificate of stock is substituted or shall have proved to the reasonable satisfaction of the Company the loss thereof.

(8) Subject to the provisions of this section the provisions of the Companies Clauses Consolidation Act 1845 with respect to the consolidation of shares into stock shall extend and apply to the ordinary stock.

8.—(1) Any transfer of ordinary stock may be made in amounts of one pound or in multiples of one pound so long as thereby no holding of any stockholder of the Company is less than ten pounds of stock. Multiples of stock.

(2) Notice of the effect of this enactment shall be endorsed on all stock certificates.

A.D. 1903.

Power to
raise
additional
capital.

9. The Company may raise additional capital not exceeding in the whole thirty thousand pounds by the creation and issue of ordinary stock but such stock shall not vest in the person accepting the same unless and until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. 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 additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of thirty thousand pounds.

If profits exceed amount limited excess may be invested and form an insurance fund.

10. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and dividend at the authorised rate on the ordinary stock 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 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 the 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 part 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 court of summary jurisdiction 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 be had to the insurance fund to meet any extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part as aforesaid.

Application of excess of profits.

11. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the interest on the debenture stock and the dividend on the preference capital and dividend at the authorised rate on the ordinary 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. A.D. 1903.

12. When in any year the dividend on the ordinary stock shall exceed the standard rate (as hereinafter defined) by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums 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 dividend at the authorised rate on the ordinary stock of the Company and save as in this Act 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 standard rate of dividend and application thereof.

13. Notwithstanding anything in this Act contained the Company shall when any stock created under the powers of this Act is to be issued and before offering the same to the holder of any shares or stock in the Company and whether the ordinary stock of the Company 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 not inconsistent with the provisions of this Act as the directors of 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 stock and that notice of the amount of the reserve price put upon such stock 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 the 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. Provided also that no priority 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 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.

New stock to be offered by auction or tender.

A.D. 1903.

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

Notice to be
given as to
sale of stock.

14. It shall be one of the conditions of any sale of stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

15. The intention to sell any such stock by auction or by tender shall be communicated in writing to the clerk of the urban district council of Hexham and to the clerks of the district councils having authority within any parts of the limits of supply of 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 within the limits of supply.

Stock not
sold by
auction or by
tender to be
offered to
holders of
stock.

16.—(1) When any stock created under the powers of this Act (otherwise than for the purposes of conversion) has been offered for sale by auction or tender and not sold the same may be offered at the reserve price put upon the same for the purpose of sale by auction or tender to the holders of preference shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863.

(2) Any stock not so offered and any stock so offered and not accepted within the time prescribed by the said Act may 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 stock created under the powers of this Act and at such time or times as the directors of the Company think fit and any stock not then sold may be again offered to the holders of shares or stock at the reserve price put upon the same at such second auction or tender and so from time to time until the whole of such stock is sold.

Application
of premium
arising on
issue of
stock.

17. Any sum of money which shall arise from the issue of any such 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 of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to
borrow in re-
spect of ori-
ginal capital.

18. The Company may forthwith after the passing of this Act borrow on mortgage of the undertaking in respect of the then existing capital of thirty-one thousand eight hundred and twelve

pounds (including the ordinary stock of twenty-eight thousand four hundred and thirty-two pounds) any sums not exceeding in the whole ten thousand pounds including the sum of seven thousand four hundred pounds which the Company have borrowed under the provisions of the Act of 1881. A.D. 1903.

19. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole one-third part of the amount at the time actually raised of the additional capital by this Act authorised to be raised but no part of any such sum or sums shall be borrowed until the whole of the capital at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such capital has been issued and together with the premium (if any) has been fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow in respect of additional capital.

20. All mortgages granted in pursuance of the powers of any Act of Parliament by the Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock or mortgages at any time created and issued by the Company.

Priority of existing mortgages.

21. Section 33 (Appointment of receiver) of the Act of 1881 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

Repealing existing provisions as to receiver.

22. 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 receiver is made shall not be less than two thousand pounds in the whole.

For appointment of receiver.

A.D. 1903.
Debenture
stock.

23. 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 or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the undertaking. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture
stock to be
offered by
auction or
tender.

24. The provisions of this Act with respect to the disposal of stock by auction or tender shall extend and apply *mutatis mutandis* to and in respect of any debenture stock created by the Company under the powers of this Act.

Priority of
mortgages
and debenture
stock
over other
debts.

25. All money to be raised by the Company on mortgage or by 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. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on their mortgages or debenture stock.

Receipt in
case of
persons not
sui juris.

26. If any money is payable to a shareholder stockholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application
of money.

27. All money raised under this Act by the Company whether by stock debenture stock or borrowing shall be applied only to the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Profits of
Company
limited.

28. Except as by this Act provided the profits of the Company to be divided among the holders of the ordinary stock in any year shall not exceed the rate (in this Act called "the standard rate") of five pounds in respect of every one hundred pounds of such stock.

29. On and after the first day of January one thousand nine hundred and four section 56 (Price of gas) of the Act of 1881 shall be and the same is hereby repealed and the standard price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall be three shillings and twopence per thousand cubic feet of gas supplied: A.D. 1903.
As to standard price and dividend.

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 standard rate of dividend as follows:—

In respect of any year during any part of which the price charged by the Company in the urban district of Hexham shall have been one penny or part of a penny above the standard price the dividends payable by the Company shall in respect of each penny or part of a penny by which the standard price shall have been increased be reduced below the standard rate of dividend by two shillings and sixpence on every one 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 the whole of which the price charged by the Company in the urban district of Hexham shall have been one penny or more below the price of three shillings per one thousand cubic feet of gas the dividends payable by the Company may in respect of each penny by which the price shall have been so reduced be increased above the standard rate of dividend by two shillings and sixpence on every one hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds:

Provided also that if in any year the dividend payable shall be of such amount as to involve the payment of a fractional sum less than one quarter per centum the Company may defer the payment of such fractional sum until the payment of the next or some succeeding dividend and shall in the discretion of the Company either add such fractional sum to and pay the same with such succeeding dividend accordingly or add the same to the reserve fund:

Provided also that the Company may charge in that part of the area of supply which is outside the urban district of Hexham a price not more than one shilling in excess of the price for the time being charged in the urban district.

A.D. 1903.

Miscellaneous Provisions.

Protection of
Company's
meters &c.
from distress.

30. Any meters fittings gas stoves gas engines and other apparatus and appliances let for hire by the Company shall not be subject to distress or to the landlord's remedy for rent nor liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such meters fittings gas stoves gas engines apparatus and appliances have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Company
may contract
with local
authority &c.
for supply
in bulk.

31. The Company may contract with any local authority company or persons beyond the limits of supply (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under parliamentary powers in that district) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Power to lay
pipes in
streets not
dedicated to
public use.

32. The Company may upon the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up maintain alter or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

Discounts.

33. The Company may if they think fit allow discounts or rebates not exceeding in any case twenty per centum to consumers of gas in consideration of prompt payment of gas rents or to consumers of large quantities of gas upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Company and any of such consumers Provided that notice of the effect of this enactment shall be endorsed on every demand note for gas rent Provided also that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

Power to re-
fuse to sup-
ply persons
in debt for
other
property.

34. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to them all rents or charges in respect of the supply of gas due from him to the Company they

may refuse to furnish to him a supply of gas until he pays the same. A.D. 1903.

35. Twenty-four hours' notice in writing shall be given to the Company by every gas consumer before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

Gas consumers to give notice to Company before removing.

36. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Company.

Period of error in defective meters.

37. A notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Company Notice of this enactment shall be endorsed upon every demand note for gas rent.

Notice to discontinue supply of gas.

38. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Recovery of demands under fifty pounds.

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

Costs of Act.

A.D. 1903.

The SCHEDULE referred to in the foregoing Act.

LANDS ON WHICH THE COMPANY MAY MANUFACTURE GAS AND
RESIDUAL PRODUCTS AND STORE GAS IN ADDITION TO THE
LANDS ALREADY AUTHORISED TO BE USED FOR THOSE PURPOSES
BY THE ACT OF 1881.

A strip of land abutting on the east side of Burn Lane and extending along that lane for a distance of 8 chains or thereabouts north and 5 chains or thereabouts south of the north-east corner of the Company's existing gasworks and comprising the enclosure numbered 401 on the $\frac{1}{2500}$ Ordnance Map of the parish of Hexham 2nd Edition 1896 Sheet XCIV.-6.

Certain other lands abutting on the southern side of the Company's existing gasworks and lying between the gasworks and the roadway or passage leading westward from Burn Lane into Gillgate.

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