



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xxxvii.

An Act to incorporate the *Stourbridge* Gas Company, and to enable them to light with Gas the Town of *Stourbridge* in *Worcestershire* and other Places. [25th May 1855.]

WHEREAS in the Year One thousand eight hundred and thirty-five certain Persons formed themselves into a Company under the Name of "The *Stourbridge* Gas Company," herein-after called the old Company, for the Purpose of lighting with Gas the Town of *Stourbridge* and the Neighbourhood thereof: And whereas the said Company have laid down Mains and Pipes throughout a great Part of the said Town and Neighbourhood, and have been for some Time past lighting the same with Gas: And whereas the present Capital of the Company is Eight thousand Pounds divided into Three hundred and twenty Shares of Twenty-five Pounds each, and the Company have not borrowed any Money on Mortgage or Bond: And whereas, in order to meet the increased and increasing Demand for Gas, further Mains and Pipes will be required to be laid down, and further Sums of Money expended; and it is expedient that the Company should be incorporated, and should have Power to purchase and hold Lands, and raise further Sums of

[*Local.*] 6 D Money,

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Money, and that other Powers should be conferred upon them; but these Purposes 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,)

8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 15. incor-
porated.

I. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act: Provided always, that nothing in the Lands Clauses Consolidation Act, 1845, contained shall authorize the Company to take or use any Land, unless with the Consent of and by Agreement with the Owner, Lessee, and Occupier thereof.

Limits of
Act.

II. The Limits of this Act for the Supply of Gas by the Company shall comprise the several Townships of *Stourbridge*, the *Lye*, *Upper Swinford*, *Wollaston*, and *Wollescote* in the Parish of *Oldswinford* in the County of *Worcester*, and the Parish of *Pedmore* in the said County of *Worcester*, the Hamlet of *Amblecote* in that Part of the Parish of *Oldswinford* which is in the County of *Stafford*, and *Wordsley* in the Parish of *Kingswinford* in the said County of *Stafford*.

Incorporation of the
Company.

III. The present Shareholders of the Company, and all such other Persons as shall hereafter subscribe to the Undertaking, and their Executors, Administrators, and Assigns respectively, shall be united into a new Company, for the Purpose of making and supplying Gas within the Limits of this Act, and for using and making Gasworks for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions in this Act and the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Stourbridge Gas Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and may sue and be sued, and shall have a Common Seal, with Power to purchase, hold, and sell Lands as herein-after mentioned.

Actions not
to abate.

IV. Nothing herein contained shall affect any Action, Suit, or other legal Proceeding already instituted, or which, if this Act had not been passed, might have been instituted, by or on behalf of or against the old Company, but such Action, Suit, or other legal Proceeding may be continued or prosecuted and enforced in the same Manner in all respects as if this Act had not been passed.

V. From

The Stourbridge Gas Act, 1855.

V. From and immediately after the passing of this Act, all the Property, Rights, and Privileges of the old Company, subject to the aforesaid Proviso as to Actions, Suits, and other legal Proceedings, shall be and the same are hereby transferred to and vested in the *Stourbridge Gas Company* hereby incorporated, and hereafter called "the new Company."

Effects of old Company vested in Company hereby incorporated.

VI. All Persons who immediately before the passing of this Act owed any Sum of Money to the old Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue for the same, to the new Company; and all Debts and Monies which immediately before the passing of this Act were due or owing by or recoverable from the old Company, or for the Payment of which that Company was or but for the passing of this Act would have been liable, shall be paid, with all Interest (if any) due or to accrue thereon, by or be recoverable from the new Company.

Debts due to or by the old Company to be paid to or by the new Company.

VII. Nothing in this Act contained shall be held or construed to exonerate or release any of the Shareholders of the old Company from any Liability in respect of any Debt, Obligation, Tort, Misfeasance, or Nonfeasance of that Company; and if any such Debt or Obligation or Damages, in respect of any Tort, Misfeasance, or Nonfeasance, shall be recovered against any such Shareholder, the Amount thereof, together with the Costs and Expenses incurred by him in reference thereto, shall be repaid to him by the new Company, and shall be recoverable against such Company by Action or Plaint in any Court of competent Jurisdiction.

Continuing Liability of Shareholders of old Company, and giving them a Remedy over against the new Company.

VIII. The Capital of the new Company shall be Twelve thousand Pounds, and shall be divided into Four hundred and eighty Shares of Twenty-five Pounds each.

Capital.

IX. Three hundred and twenty of those Shares, representing Eight thousand Pounds of the said Capital, shall remain vested in the several Persons and Corporations respectively who immediately before the passing of this Act were possessed of or entitled to any Share or Shares in the Capital of the old Company in the Proportions in which they are respectively interested in such Capital at the Time of the passing of this Act, and Credit shall be given upon each of such Shares for so much Money as at the passing of this Act shall have been paid thereon.

Vesting in existing Proprietors same Number of Shares as now held by them.

X. The existing Certificates of the said Shares shall, until called in, continue to be the Certificates of the said Shares under this Act, and it shall not be necessary or required for the new Company to issue fresh Certificates in respect of such Shares, except under the Provisions of "The Companies Clauses Consolidation Act, 1845," in

Certificates of old Shares to apply to the new Shares.

Cases

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Cases where such Certificates shall be worn out or damaged, or lost or destroyed ; but the new Company may, if they think fit, at any Time call in such Certificates, and grant others in the Stead thereof.

Shares to be subject to the same Trusts as existing Shares.

XI. The said last-mentioned Shares shall remain vested in the said respective Shareholders upon the same Trusts, and subject to the same Powers, Provisions, Declarations, Agreements, Charges, and Incumbrances, upon or to which their respective Shares in the Capital of the old Company were immediately before the Commencement of this Act held or subject, and so as to give Effect to and not revoke any Will or other Instrument disposing of or affecting any such Share.

Additional Capital to be offered in the first place to existing Shareholders.

XII. When and so often as the new Company shall issue any new Shares under the Powers of this Act, they shall in the first instance offer them at Par to the then Proprietors of Shares in proportion, as nearly as can conveniently be done, to the Shares held by them respectively in the Capital of the new Company at the Time when such new Shares are issued.

Offer to be made by Letter.

XIII. Such Offer shall be made by Letter under the Hand of the Secretary or Treasurer of the new Company, given to or sent by Post addressed to each Shareholder according to his Address as entered in the Shareholders Address Book, or left at his usual or last known Place of Abode in *England*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the due Course of Delivery ought to reach the Place to which it is addressed.

Shares to vest in Parties accepting; otherwise to be disposed of by the Company.

XIV. The new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the new Company, at the Time or Times and by the Instalments which shall be fixed by the Directors ; and if any Shareholder shall fail for One Month after such Offer of new Shares to accept the same, and to pay the Instalments called for in respect thereof, it shall be lawful for the new Company to dispose of such Shares to any Party willing to become the Purchaser thereof for such Sum as the Company can obtain for the same.

Directors may permit Shareholders to take new Shares after the time specified in certain Cases.

XV. Provided always, That it shall be lawful for the Directors, in case they shall think proper so to do, but not otherwise, to permit any Shareholder to accept such Share or Shares, notwithstanding the Time limited for such Acceptance may have expired, if from Absence abroad or from any other Cause satisfactory to the Directors he shall have omitted or neglected to signify his Acceptance of such Share or Shares within the Time limited by this Act.

XVI. When

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XVI. When the whole of their Capital is subscribed for, the new Company may borrow any Sums of Money on Mortgage or Bond, not exceeding in the whole the Sum of Three thousand Pounds.

Power to
borrow on
Mortgage.

XVII. All Money to be raised under the Provisions of this Act, whether by means of Shares or by the Exercise of the Power of borrowing, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Application
of Money.

XVIII. The Number of Directors of the new Company shall be Five, and the Qualification of a Director shall be the Possession by him in his own Right of Ten Shares.

Number and
Qualification
of Directors.

XIX. *John Perry, Thomas Hughes, Robert Thurston, Samuel Brooks, and William King Perrins* shall be the First Directors of the new Company.

First
Directors.

XX. A Quorum of a Meeting of the Directors shall be Three.

Quorum of
Directors.

XXI. The Quorum of any General Meeting of the new Company shall be Five Shareholders holding Shares of the aggregate Amount of not less than One thousand two hundred and fifty Pounds.

Quorum of
General
Meeting.

XXII. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Five, holding in the aggregate not less than Fifty Shares.

Extraordi-
nary Meet-
ings may be
convened by
Share-
holders.

XXIII. Subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the new Company to maintain, alter, and enlarge their existing Works, and from Time to Time to construct and maintain such additional Gasworks, Gasometers, Retorts, Drains, Sewers, Machinery, Mains, and other Works and Apparatus, and such Houses, Buildings, and Approaches, upon the Lands belonging to them, and referred to in the Schedule to this Act; and they may make and supply Gas, or contract for the making and supplying Gas, and do all such other Acts as they shall think necessary for supplying Gas within the Limits of this Act, and they may sell and dispose of the Coke and other Residuum arising from the Material used in the Manufacture of Gas, in such Manner as they may think proper.

Power to
construct
Gasworks on
such Lands,
and to supply
Gas.

XXIV. In addition to the before-mentioned Lands, it shall be lawful for the new Company from Time to Time to purchase by Agreement other Lands (not exceeding Two Acres in Extent) for the Purposes of their Undertaking; but they shall not erect any Gasworks upon any such additional Lands.

Company
may pur-
chase other
Lands.

[*Local.*]

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XXV. Subject

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Company
empowered
to lay Pipes
for lighting
Buildings.

XXV. Subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the new Company to lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipes into, through, or against any Building, for the Purpose of lighting the same, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Consumers
of Gas may
be required
to burn by
Meter.

XXVI. Every private Consumer of Gas of the new Company shall, upon Request in Writing by that Company, consume Gas by Meter, to be found and provided by the Company, if the Consumer shall not think proper to provide the same at his own Expense.

Charge for
Supply of
Gas by
Meter -
limited.

XXVII. The maximum Price at which Gas shall be supplied by the Company to all Persons who shall burn the same by Meter shall not exceed Six Shillings *per* One thousand Cubic Feet; and the maximum Price at which Gas shall be charged to the Commissioners of the Town of *Stourbridge*, or to the Trustees of such of the Turnpike Roads leading through or into the said Town of *Stourbridge* as traverse the District lighted by the said Company, in respect of any public Lamps of the existing Size, including the Costs of the necessary Pillars, shall not exceed Two Pounds in respect of each such public Lamp, if lighted for Nine Months in the Year, and Two Pounds and Ten Shillings in respect of each such Lamp if lighted for Twelve Months in the Year; and in case of any Dispute as to the Quantity of Gas to be supplied, or the Mode or Time of lighting such Lamps, such Dispute shall be settled by Arbitration: Provided always, that it shall henceforth be obligatory on the Company to light the said Town of *Stourbridge*, and the said Lamps of such Portions of the said Turnpike Roads as traverse the District lighted by the said Company, on the Terms and under the Conditions hereinbefore provided, so long as the Company shall be required so to do, and they shall carry on the Trade or Business of making Gas.

Future Pipes
to be dis-
tinguished.

XXVIII. All Pipes which shall be hereafter laid down by the Company shall be of such Construction or shall be so marked as that the same may be easily distinguished from the Pipes of any other Company or Persons supplying Gas or Water within the Limits of this Act.

Saving the
Rights of the
Commis-
sioners under
Act 6 G. 4.
c. xix.

XXIX. Provided always, That, except as by this Act expressly provided, this Act or anything therein shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the Commissioners under the Local and Personal Act, Six *George* the Fourth, Chapter Nineteen, relating to the Township of *Stourbridge*, but all such Rights, Privileges, Powers, and Authorities respectively

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respectively may be had, exercised, and enjoyed as if this Act were not passed.

XXX. Clause 38 of "The Gasworks Clauses Act, 1847," shall be extended so as to require the Company (under the like Penalty in any Case of Failure) to transmit a Copy of the Account therein referred to to the Clerk of the said Commissioners as well as to the Clerk of the Peace.

Copy of Annual Account to be transmitted to Clerk to Commissioners.

XXXI. If at any Time the said Commissioners, in execution of the Powers conferred upon them by the said Act, desire to purchase the Undertaking of the Company, and of such their Desire give Six Months previous Notice in Writing to the Company, then and in such Case the Company shall sell their Undertaking to such Commissioners, at a Price to be settled by Agreement, or in case of Dispute in the Manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the Settlement of Questions of disputed Compensation by Arbitration: Provided always, that in this and the following Enactments relating to such Sale the Word "Undertaking" includes all the Property and Powers of the Company, of whatever Nature.

Company to sell Undertaking to Commissioners, if required.

XXXII. Provided always, That everything done or suffered by the Company before the Purchase of their Undertaking shall be as valid as if no such Purchase had been effected, and such Purchase shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Purchase had not been effected would be incident to or consequent on any and every thing so done or suffered, and with respect to all such Rights, Liabilities, Claims, and Demands, the Commissioners shall to all Intents and Purposes represent the Company.

Purchase by Commissioners not to affect previous Acts of Company.

XXXIII. The Receipt in Writing of Three of the Directors of the Company for the Purchase Money agreed to be paid to them by the Commissioners shall be an effectual Discharge to the Commissioners for the Sum which in any such Receipt shall be expressed or acknowledged to be received; and the Commissioners shall not be obliged or concerned to see to the Distribution of such Purchase Money, or of any Money which may be paid by them to such Directors, or be otherwise answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or of any Part thereof.

Directors Receipts to be good Discharges.

XXXIV. The Directors shall stand possessed of the Purchase Money arising from the Sale of the Undertaking, and of all other Sums of Money which at the Time of Payment of the Purchase Money

Declaring Parts of Purchase Monies in Hands of Directors.

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Money shall be in their Hands or Power, or under their Control as such Directors, and also of all other Monies which shall thereafter come to their Hands on account of or for the Benefit of the Shareholders in the Company, after paying or providing for all the Debts, Liabilities, and Engagements of the Company then outstanding, and not transferred to the Commissioners, upon trust to divide all such Monies between or among the several Persons who at the Time of the Payment of such Purchase Money or other Money as aforesaid shall be Shareholders of the Company, and their respective Executors, Administrators, and Assigns, in proportion to the respective Shares and Interest of such Proprietors in the Capital of the Company.

For Invest-
ment of
Purchase
Monies in
Hands of
Directors.

XXXV. In the meantime and until the Purchase Monies paid to the Directors can be distributed amongst the Shareholders of the Company, pursuant to this Act, the same may be invested by the Directors in the Purchase of Exchequer Bills.

Registered
Proprietors
to be en-
titled primâ
facie.

XXXVI. The several Persons whose Names shall appear in the Books of the Company as the Proprietors of Shares therein at the Time of such Sale shall, until the contrary be proved to the Satisfaction of the Directors, be considered to be Persons entitled to participate in the Distribution of the Purchase and other Monies hereby directed to be divided among the Shareholders of the Company.

Directors of
Company
not to be
bound by
Trusts.

XXXVII. The Directors shall not be bound to see to the Execution of any Trusts, whether express, implied, or constructive, to which any of the Shares in the Company may be subject, and the Receipt of the Person in whose Name any Shares stand in the Books of the Company shall be a sufficient Discharge to the Directors for all Monies which shall be paid in respect of any of such Shares, notwithstanding any Trust to which any of such Shares may be subject, and whether the Company or the Directors shall or shall not have had Notice of such Trusts, and the Company or Directors shall not be bound to see to the Application of the Money paid upon such Receipt.

Trustees
Receipts to
be good
Discharges.

XXXVIII. The Receipt of any Executor, Administrator, Trustee, or Committee or Guardian of any Shareholder of the Company shall be a good and effectual Discharge to the Directors for so much Money as shall be paid by them or by their Order to such Executor or Administrator, Trustee, Committee or Guardian, for or on behalf of such Shareholder, and as shall be expressed in any such Receipt to have been received, and shall exonerate and discharge the Directors, and Company from seeing to the Application thereof, and from being answerable for any Misapplication or Nonapplication thereof or any Part thereof, or being liable to any other Duty or Obligation by reason of any Trust affecting the Person to whom or the Share in respect to which such Payment shall be made, and the Assets of the Company
or

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or of the Directors shall not after such Payment be in anywise liable to the Performance of such Trusts, or to any Action or Suit at Law or in Equity in respect thereof.

XXXIX. At the Expiration of Six Months next after the Day on which such Purchase Money as aforesaid shall have been paid to the Directors by the Commissioners, the Directors shall, in case the whole of the Monies to be distributed under the Authority of this Act shall not have been paid to the respective Shareholders, cause a Notice to be inserted Three Times in the "*London Gazette*" and in some Newspaper published in the County of *Worcester*, containing the Names in alphabetical Order of the Persons appearing in the Books of the Company to be Shareholders who have not called for or claimed their Proportion of such Monies, and stating that if such Persons shall not make and substantiate their Claim to such Proportion within the Time to be limited in such Notice, being not less than Twelve Months from the Day on which such Purchase Monies shall have been so paid as aforesaid, the Amount of their Proportion will be paid into the Bank of *England* in pursuance of the Provisions of this Act; provided always, that a Copy of such Notice shall be sent by the Post to the Address of each such Shareholder as it appears in the Books of the Company, or shall be delivered at such Address; and in default of any such Shareholder making his Claim in respect of his Proportion of such Monies, and establishing the same to the Satisfaction of the Directors, the Directors may pay such Monies into the Bank of *England*.

Providing
for un-
claimed
Purchase
Money.

XL. At or at any Time after the Expiration of Twelve Months from the Day on which such Purchase Monies shall be so paid by the said Commissioners, the Directors may pay any Sum of Money which may be then in their Hands (by reason of the same not having been paid to the Shareholder entitled thereto, or of the Person claiming the same not having shown a sufficient Title thereto to the Satisfaction of the Directors, or from any other Cause,) into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Person appearing to be entitled thereto (describing him as then described in the Books of the Company), pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and pursuant to the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, Chapter Twenty-four.

Unclaimed
Purchase
Money to be
paid into the
Bank of
England.

XLI. In every Case in which any Money shall be paid into the Bank of *England* by the Directors, in the Name and with the Privity
[*Local.*]

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Certificate
of Account-
ant-General
of to be a suffi-

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cient Dis-
charge to
Directors.

of the Accountant General of the Court of Chancery, under the Authority of this Act, the Certificate of the Accountant General, together with the Receipt of One of the Cashiers of the Bank of *England*, filed in the Registrar's Office of the Court of Chancery, of the Payment into the Bank of *England* by the Directors of any such Money, or an Office Copy of such Certificate, shall be a good and sufficient Discharge to such Directors, and to their respective Heirs, Executors, Administrators, and Assigns, for the Amount expressed in such Certificate and Receipt to have been paid, and such Directors, their Heirs, Executors, Administrators, or Assigns, shall not afterwards be liable to see to the Application of such Money, or be answerable or accountable for the Loss, Misapplication, or Nonapplication thereof.

Application
of Monies
paid into
Court, and
for Invest-
ment of
Dividends.

XLII. All Money which shall be paid by the Directors into the Bank of *England* in the Name of the Accountant General, under the Authority of this Act, shall there remain until the Person entitled thereto shall, upon Petition to be presented to the Court of Chancery in a summary Way, obtain an Order for the Transfer thereof into his own Name, or otherwise; and the Accountant General shall from Time to Time invest the Dividends thereof, when the same shall amount to a competent Sum, in the Purchase of Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, for the Benefit of the Persons entitled thereto, subject to the Order and Directions of the said Court; and the said Court may, on the Application of any Person making claim to such Money or any Part thereof, by Motion or Petition, in a summary Way of Proceeding or otherwise, as to the Court shall seem meet, order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates or Interests of the Persons making claim thereto, and make such Order or Orders in the Premises as to the Court shall seem just and reasonable.

Dissolution
of Company
on Comple-
tion of Pur-
chase and
Distribution
Money.

XLIII. Upon the Completion of the Sale and Transfer by the Company of the whole of their Undertaking, and when and so soon as the Purchase Money paid to the Directors in respect of such Sale shall have been divided or appropriated in manner by this Act directed, the Company shall be dissolved.

Directors of
Company to
be liable for
their own
Receipts and
Payments
only.

XLIV. Provided always, That any Director, his Executors or Administrators, shall not be chargeable with any Monies other than those he shall actually receive by virtue of this Act; and any Director shall not be answerable or accountable for any other Director, or for the Acts, Receipts, Neglects, or Defaults of any other Director, nor be answerable or accountable for any Officer or Agent, Banker, Broker, or other Person with whom or in whose Hands any Part of the said Purchase Monies may be lodged, for safe Custody, Remittance, Sale, Investment, Payment, or otherwise, nor shall he be answerable or accountable

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accountable for any other Loss which may happen to the said Monies, unless the same shall happen through his own wilful Default; and the Directors may, out of the said Purchase Monies, retain and also allow to each other, and to the Executors and Administrators of any Director, all reasonable Costs, Charges, and Expenses incurred in executing the Trusts hereby reposed in them, or in anywise relating thereto.

XLV. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the new Company. Expenses of
Act.

XLVI. In citing this Act for any Purpose, it shall be sufficient to describe it as "*The Stourbridge Gas Act, 1855.*" Short Title.

The Stourbridge Gas Act, 1855.

The SCHEDULE referred to in the foregoing Act.

A Piece of Land and Premises now occupied by the Stourbridge Gas Company as Lessees under the Earl of Stamford and Warrington, situate in the Hamlet of Amblecote in the Parish of Oldswinford in the County of Stafford, which said Land and Premises are bounded by the Turnpike Road leading from Stourbridge to Dudley, the School and Premises belonging to the Earl of Stamford and Warrington, or to Thomas Hill, Esquire, and which School and Premises are in the Occupation of the Amblecote Church School Committee or their Under-tenants, the Amblecote Churchyard, other Lands belonging to the said Earl of Stamford and Warrington or the Feoffees of the Oldswinford Blue Coat School, and an Occupation Road leading thereto, on all or most Parts or Sides thereof.

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