

**CHAPTER lxxi.**

An Act to convert and consolidate the capital of the Milford Docks Company to confer further powers on that Company and for other purposes. A.D. 1930.
—
[4th June 1930.]

WHEREAS the Milford Docks Company (in this Act referred to as "the Company") were incorporated by the Milford Docks Act 1874 and have constructed docks and works at Milford Haven in the county of Pembroke and maintain and manage the same:

And whereas by the Milford Docks Acts 1874 to 1922 the Company are authorised to issue and have issued capital of the description and amounts hereinafter stated (that is to say):—

| Description. | Issued. | Unissued. | Total. |
|-------------------------------|-----------|-----------|-----------|
| | £ | £ | £ |
| Special mortgages - - - | 51,500 | 18,500 | 70,000 |
| Debenture stock A - - - | 402,469 | 27,531 | 430,000 |
| Debenture stock B - - - | 140,000 | — | 140,000 |
| First preference stock - - - | 223,592 | 76,408 | 300,000 |
| Second preference stock - - - | 199,198 | 50,802 | 250,000 |
| Ordinary shares of £10 each - | 161,940 | 188,060 | 350,000 |
| | 1,178,699 | 361,301 | 1,540,000 |

And whereas by the Milford Docks Act 1903 the directors of the Company were authorised at any time after the granting of any special mortgages authorised

A.D. 1930. — by the Milford Docks Act 1894 from time to time out of the funds or profits of the Company to set apart as a sinking fund for the redemption of special mortgages such sum or sums as they thought fit and it was enacted that all sums so set apart should be dealt with as the directors might from time to time determine for the purpose of such redemption and that the directors might from time to time apply in or towards the payment off of special mortgages the whole or any part of such sinking fund :

And whereas the directors have set apart sums of money annually out of the profits of the Company and have invested the same as a sinking fund for the purpose of paying off the special mortgages and the said sinking fund will if maintained by annual contributions at the same rate as heretofore be sufficient to pay off the outstanding special mortgages at the first day of January nineteen hundred and thirty-three :

And whereas on the passing of the Milford Docks Act 1922 (hereinafter referred to as "the Act of 1922") the interest on the debenture stocks A and B being in arrear provision was made by section 4 of the Act of 1922 that the aggregate amount of interest payable on the debenture stock A in respect of the years nineteen hundred and sixteen to nineteen hundred and twenty-one (inclusive) should not exceed two per centum per annum unless the directors should otherwise determine and provision was also made that no interest should be paid on the debenture stock B in respect of those years :

And whereas the Company have paid interest amounting in all to six and a half per centum on the debenture stock A in respect of the years nineteen hundred and sixteen to nineteen hundred and twenty-one and under the provisions of the Act of 1922 there is a liability outstanding for the payment of further interest on the debenture stock A in respect of the years nineteen hundred and sixteen to nineteen hundred and twenty-one :

And whereas it was further provided by the Act of 1922 that the interest to be paid on the debenture stock A in respect of any half year during the period between the first day of January nineteen hundred and twenty-two and the thirtieth day of June nineteen hundred and twenty-six and such further period or

periods (if any) as might be determined by the holders of the debenture stock A by resolution passed at a special meeting should be a charge upon the net revenues only for that half year and should be payable out of those net revenues only and for that purpose the net revenues were defined in the Act of 1922 :

And whereas by the Act of 1922 a like provision was made with respect to the debenture stock B limiting the interest to be paid thereon to a charge on the net revenues for the immediately preceding half year :

And whereas since the passing of the Act of 1922 the Company have paid interest on the debenture stock A half yearly out of the net revenues at varying rates but at no time at a rate exceeding three and three-quarters per centum per annum and the said net revenues have not been sufficient to enable the Company to pay any interest on the debenture stock B :

And whereas the holders of the debenture stocks A and B have resolved in accordance with the provisions of the Act of 1922 that interest on their respective debenture stocks shall be payable out of net revenues only for each half year until the thirtieth day of June nineteen hundred and thirty-three :

And whereas it would facilitate the carrying on of the undertaking of the Company if the capital of the Company were reduced converted and consolidated :

And whereas a scheme has been prepared for the conversion of the capital of the Company (other than the special mortgages) into new debenture stock bearing interest at three and a half per centum and shares of one pound each and the terms of exchange or conversion under that scheme are specified in the First Schedule to this Act :

And whereas it is expedient that the capital of the Company should be converted and distributed among the holders thereof on the terms stated in the said schedule :

And whereas in order to ensure good order and cleanliness in the conduct of the fish trade in the docks of the Company it is expedient to confer upon the Company further powers for the removal of waste fish and fish offal left by the owners thereof at the wharves or markets at the said docks :

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— And whereas it is expedient that the other provisions contained in this Act be enacted :

And whereas the holders of three-fourths and upwards in value of the debenture stock A and of the debenture stock B respectively have consented in writing to the provisions of this Act :

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 and
collective
titles.

1.—(1) This Act may be cited as the Milford Docks Act 1930.

(2) The Milford Docks Acts 1874 to 1922 and this Act may be cited together as the Milford Docks Acts 1874 to 1930.

Incorpora-
tion of
Acts.

2. The following Acts and parts of Acts are incorporated with and form part of this Act :—

(a) 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 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 ;

(b) Part I relating to cancellation and surrender of shares; and A.D. 1930.

Part III relating to debenture stock of the Companies Clauses Act 1863.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings And in this Act— Interpre-
tation.

“The Company” means the Milford Docks Company;

“The Act of 1874” means the Milford Docks Act 1874;

“The directors” and “the secretary” respectively mean the directors and secretary of the Company;

“The date of conversion” means the first day of January nineteen hundred and thirty-one.

4. As from the date of conversion the authorised capital of the Company in the debenture stocks A and B first and second preference stocks and ordinary shares shall be and is hereby converted and consolidated into new debenture stock and shares and subject to the provisions of this Act as to special mortgages the capital of the Company is hereby reduced to one million one hundred thousand pounds consisting of— Conversion
and
reduction
of capital.

(a) New debenture stock to the amount of five hundred thousand pounds bearing interest at three and a half per centum per annum; and

(b) Shares of one pound each to the amount of six hundred thousand pounds.

5.—(1) The respective holders of the debenture stocks A and B first and second preference stocks and ordinary shares of the Company shall at the date of conversion become entitled in respect of their several holdings to the proportionate amounts of fully paid-up new debenture stock and shares of the Company specified in the First Schedule to this Act and the said amounts of new debenture stock and shares shall be distributed Holders of
existing
stocks and
shares
entitled to
holdings
in con-
verted
capital.

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to and accepted by the said holders in substitution for their holdings in the debenture stocks A and B first and second preference stocks and ordinary shares.

(2) The new debenture stock and shares distributed in pursuance of this section shall be accepted by the holders of the debenture stock A in full discharge and satisfaction of all interest and arrears of interest on the debenture stock A in respect of the years nineteen hundred and sixteen to nineteen hundred and twenty-one (inclusive) and shall be accepted by the holders of the debenture stocks A and B in full discharge and satisfaction of all other arrears of interest on the debenture stocks A and B up to the date of conversion but without prejudice to the right of any holder of the debenture stocks A or B to the payment of interest accruing during and payable out of the revenues of the half year preceding the date of conversion.

Cancellation
of existing
capital and
arrears of
interest.

6. As from the date of conversion the debenture stocks A and B together with all arrears of interest thereon and the first and second preference stocks and ordinary shares shall be and are hereby cancelled.

As to
unexercised
capital
powers.

7.—(1) The powers of the Company granted by the *Milford Docks Acts 1874 to 1922* and remaining unexercised at the date of conversion of raising money by the creation and issue of the debenture stocks A and B first and second preference stocks and ordinary shares are hereby repealed but the directors may raise such further moneys as they require for the purposes of the undertaking of the Company by the issue of so much of the new debenture stock and shares authorised by this Act as remains unissued after the distribution of the new debenture stock and shares to the holders of the existing capital in accordance with the First Schedule to this Act but so that the total amounts of the new debenture stock and shares created and issued shall not exceed the respective amounts specified in and authorised by this Act.

(2) The Company may from time to time issue and dispose of the new debenture stock and shares which they are authorised by this section to issue on such terms and conditions and at such discounts as the directors may think advantageous to the Company.

8.—(1) The new debenture stock shall bear interest at the rate of three and a half per centum per annum payable half-yearly on the thirtieth day of June and the thirty-first day of December.

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—
Rights
attaching
to new
debenture
stock.

(2) The interest on the new debenture stock to which the holders thereof become entitled under this Act on the date of conversion shall commence to accrue on the date of conversion.

(3) The interest on the new debenture stock shall be a first charge on the net revenues of the Company after the payment of interest on the existing Milford Dock special mortgages and of an annual sum not exceeding fifteen hundred pounds in any one year set apart out of the net revenues as a sinking fund for the redemption of the said mortgages.

9.—(1) The powers of the Company granted by the Milford Docks Acts 1892 and 1894 and remaining unexercised at the passing of this Act to raise money by the issue of special mortgages and special charge debenture stock are hereby cancelled and extinguished without prejudice to the rights and remedies of the holders of any special mortgages issued by the Company before the passing of this Act.

Determina-
tion of
powers to
issue
special
mortgages
and special
charge
debenture
stock.

(2) The Company shall on or before the first day of January nineteen hundred and thirty-three pay off and redeem all special mortgages outstanding at the passing of this Act by means of a sinking fund formed under the authority of section 3 of the Milford Docks Act 1903 or by the application to that purpose of any other of their moneys whether capital or revenue but without prejudice to the rights of the holders of the new debenture stock to the payment of interest thereon and on the payment off of any such special mortgage the Company shall not be entitled to re-borrow money so paid off notwithstanding anything contained in section 30 of the Companies Clauses Consolidation Act 1845 and the powers of the Company to issue special mortgages shall be extinguished by the amount so paid off.

10. The respective amounts of new debenture stock and shares to which the holders of the debenture stocks A and B first and second preference stocks and ordinary shares by virtue of this Act respectively become

Converted
stocks and
shares to be
held on
same

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—
trusts &c.
as stocks
and shares
for which
they are
substituted.

entitled by the conversion of capital shall be vested in such holders 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 said debenture stocks preference stocks and ordinary shares in lieu whereof the new debenture stock and shares are respectively substituted were held or were subject to immediately before the date of conversion 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 of the said debenture stocks preference stocks or ordinary shares and trustees executors or administrators or other incapacitated parties may and shall accept the new debenture stock or shares in substitution for the said debenture stocks preference stocks or ordinary shares 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 the said debenture stocks preference stocks or ordinary shares.

Certificates
of existing
stocks and
shares to
be called in
and others
issued.

11. The Company shall call in the certificates of the debenture stocks A and B first and second preference stocks and ordinary shares for which new debenture stock or shares shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective holders thereof free of charge certificates of new debenture stock or shares to the amount to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require Provided always that until the issue of new certificates the existing certificates shall (according to the amount of the said debenture stocks A and B first and second preference stocks or ordinary shares which they respectively represent) have and possess the same rights and privileges as if they were certificates for the amount of

new debenture stock or shares so to be issued but if any holder neglect or omit to send or deliver to the Company his existing certificate or certificates for a period of nine months after notice in writing sent by post to the address appearing in the shareholders' address book of the Company the Company may suspend the payment of any interest or dividend payable upon or in respect of the new debenture stock or shares to which he is entitled until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate or certificates as the directors may require. Provided further that where the Company are for six months after the date of conversion unable after diligent inquiry to ascertain the person to whom any new debenture stock or shares ought to be issued as aforesaid or cannot obtain a sufficient discharge for the same the Company may transfer the same to the Accountant-General for and on behalf of the Supreme Court of Judicature in England under any Act for the time being in force for the relief of trustees and every such transfer shall conclusively discharge the Company from all further liability with respect to any new debenture stock or shares so transferred and for the purpose of this Act such new debenture stock or shares as the case may be shall be deemed to have been issued to the person entitled thereto and any person afterwards showing to the satisfaction of the Chancery Division of the High Court of Justice in England that he is entitled thereto may obtain transfer thereof accordingly.

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12. If the certificate for any of the debenture stocks A or B or first or second preference stocks or ordinary shares for which new debenture stock or shares are or may be substituted be lost or destroyed then upon proof thereof to the satisfaction of the directors the directors shall deliver to the person entitled thereto a certificate for the amount of new debenture stock or shares to which he is under this Act entitled.

If certificate lost or destroyed another to be issued for amount.

13. All transfers or other dispositions of any of the debenture stocks A or B or first or second preference stocks or ordinary shares shall after the date of conversion and notwithstanding this Act be valid and

Transfers of existing stocks and shares to operate as

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transfers of
converted
stocks and
shares.

have due effect given to them respectively as transfers or dispositions of the respective amounts of new debenture stock or shares which represent the said debenture stocks preference stocks or ordinary shares thereby expressed to be transferred or disposed of and are substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the new debenture stock or shares transferred or disposed of had before that date.

As to
fractions
of stock or
shares.

14. No person shall become entitled by the conversion of capital under this Act to a fractional part of a pound of new debenture stock or to a fractional part of a share in the capital of the Company but in every case in which any person would but for this provision have become entitled to such a fractional part such person shall have the right to an allotment of a complete pound of new debenture stock or a complete share on paying to the Company the price at par value of the additional fractional part required to make up the complete pound or share aforesaid but if such person shall fail to exercise the right within one month after notification in writing by the secretary he shall be deemed to have forfeited his right and the first mentioned fractional part shall vest in the Company.

Annual
general
meeting
and yearly
accounts.

15. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in any other Act relating to the Company the ordinary general meeting of the Company shall be held in each year in the month of March or at such other times and at such place as the directors may from time to time appoint and it shall not be obligatory on the Company to hold half-yearly meetings or to balance their accounts or to make up a balance sheet half-yearly.

Newspaper
for adver-
tisements
concerning
Company.

16. Section 22 (Newspaper for insertion of advertisements) of the Act of 1874 shall be amended by inserting therein after the word "published" the words "or circulating" and in the case of publication of an advertisement relating to the Company for the purposes of compliance with the standing orders of either House of Parliament relative to Private Bills it shall be sufficient to publish such advertisement in a newspaper

published in some county adjoining or near to the county of Pembroke and circulating in the last-mentioned county. A.D. 1930.

17.—(1) The Company shall annually appoint one person or two persons or a firm of accountants to be the auditor or auditors of the Company and such person or persons or the members of such firm shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Minister of Transport. Auditors.

(2) It shall not be necessary for any auditor of the Company to hold any shares or stock in the capital of the Company.

(3) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company not less than seven clear days before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(4) If any auditor of the Company die or resign the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

18. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary. As to remuneration of secretary.

19. As from the date of the passing of this Act the qualification of a director shall be the possession in his own right of not less than one hundred shares of one pound each in the capital of the Company and section 19 (Qualification of directors) of the Act of 1874 is hereby repealed. Qualification of directors.

20. Where any waste fish or fish offal is left unclaimed by the person entitled thereto on any part of the Company's premises on any day after three o'clock in Disposal of offal or waste fish.

A.D. 1930. — the afternoon or after the end of a period of three hours after being unshipped whichever shall be later the Company may at their option either—

- (a) appropriate such waste fish or fish offal to their own use; or
- (b) if such waste fish or fish offal be unsaleable remove and dispose of the same and recover from the person entitled to the same the expenses of removal summarily as a debt.

Repeal of
existing
enact-
ments.

21.—(1) As from the date of conversion the provisions of the Milford Docks Acts 1874 to 1922 mentioned in Part I of the Second Schedule to this Act are hereby repealed.

(2) As from the first day of January nineteen hundred and thirty-three the provisions of the Milford Docks Acts 1874 to 1922 mentioned in Part II of the Second Schedule to this Act are hereby repealed.

Costs of
Act.

22. The costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the
foregoing Act.

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THE FIRST SCHEDULE.

CONVERSION OF CAPITAL.

| Existing issued Capital of the Company to be surrendered by holders for the purposes of conver- sion. | Amounts of 3½ per cent. New Debenture Stock and £1 Ordinary Shares to be issued to holders in ex- change for each £100 of existing Capital or in pro- portion for a less amount than £100. | Total Amount to be issued in Exchange. | |
|---|---|--|------------|
| | | 3½ per cent. New Debenture Stock. | £1 Shares. |
| Existing special mort- gages to be re- deemed by sinking fund—£51,500. | — | £ — | £ — |
| A debenture stock 6 per cent.—£402,469. | £100 of 3½ per cent. new debenture stock. 80 ordinary shares of £1 each. | 402,469 | 321,975 |
| B debenture stock 5 per cent.—£140,000. | | £10 of 3½ per cent. new debenture stock. 70 ordinary shares of £1 each. | 14,000 |
| First preference stock— £223,592. | 25 ordinary shares of £1 each. | — | 55,898 |
| Second preference stock —£199,198. | 15 ordinary shares of £1 each. | — | 29,879 |
| Ordinary shares of £10 each—£161,940. | 10 ordinary shares of £1 each. | — | 16,194 |
| | Total amount to be issued on conversion. Balance available for issue :— | 416,469 | 521,946 |
| | 3½ per cent. new de- benture stock. | 83,531 | — |
| | Shares - - - | — | 78,054 |
| | | 500,000 | 600,000 |
| | Total authorised - | £1,100,000 | |

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THE SECOND SCHEDULE.

REPEAL OF EXISTING ENACTMENTS.

PART I.

Milford Docks Act 1874—

- Section 8 (Capital);
- Section 9 (Shares not to be issued until one-fifth paid);
- Section 10 (Calls);
- Section 11 (Receipt clause in case of persons not sui juris);
- Section 12 (Power to borrow on mortgage);
- Section 13 (Arrears may be enforced by appointment of a receiver);
- Section 14 (Debenture stock);
- Section 15 (Priority of mortgages over other debts);
- Section 16 (Application of moneys);
- Section 73 (Interest not to be paid on calls paid up).

Milford Docks Act 1875—

- Section 6 (Power to raise additional capital);
- Section 7 (Debenture stock);
- Section 8 (Power to borrow);
- Section 9 (Priority of mortgages over other debts);
- Section 10 (Application of money raised).

Milford Docks (Further Powers) Act 1882—

- Section 4 (Power to issue a first preference share capital of one hundred thousand pounds);
- Section 5 (Power to Company to raise additional capital);
- Section 6 (Shares not to be issued until one fifth part thereof shall have been paid up);
- Section 7 (Calls);
- Section 8 (New shares to be subject to same provisions as shares in original capital);
- Section 15 (Interest not to be paid on calls paid up);
- Section 17 (Deposits for future Bills not to be paid out of capital);
- Section 19 (As to loans by Public Works Loan Commissioners).

Milford Docks Act 1883—

- Section 25 (Creation of debenture stock);
- Section 26 (Application of debenture stock A);
- Section 27 (Redemption of debenture stock A);
- Section 28 (Redemption of debenture stock C);
- Section 29 (Interest on re-issued debenture stock C);

- Section 30 (Application of debenture stock B); A.D. 1930.
 Section 31 (Application of debenture stock C);
 Section 32 (Rights of voting of holders of B and C
 stocks);
 Section 33 (Power to issue preference shares part of capital
 already authorised);
 Section 34 (Provision as to acceptance of stock by trustees).

Milford Docks Act 1888—

- Section 5 (Power to raise further money by debenture
 stock);
 Section 6 (Redemption of special debenture stocks);
 Section 7 (Application of debenture stocks);
 Section 8 (Amendment of section 25 of the Act of 1883).

Milford Docks Act 1890—

- Section 27 (Power to raise further money by debenture
 stock);
 Section 28 (Redemption of debenture stock C);
 Section 29 (Application of debenture stock);
 Section 30 (Extinction of debenture stock C and creation
 of first preference stock);
 Section 31 (Incidents of first preference stock);
 Section 32 (Conversion of existing preference shares into
 stock);
 Section 33 (Incidents of second preference stock);
 Section 34 (Substitution of first and second preference stock
 for existing stock and shares);
 Section 35 (Case of fractional part of a pound);
 Section 36 (Transfer of preference stock);
 Section 37 (Arrangements for conversion);
 Section 38 (Power of trustees executors &c. to accept new
 stock);
 Section 39 (New stock to be held on same trusts &c. as
 existing stock);
 Section 40 (Repeal of existing powers and powers to issue
 additional preference stock);
 Section 41 (Power to issue first preference capital of 1882
 repealed &c.).

Milford Docks Act 1892—

- Section 9 (As to arrears of interest on debenture stock
 A);
 Section 10 (Interest on debenture stock B payable in
 second preference stock).

Milford Docks Act 1900—

The whole Act.

A.D. 1930. Milford Docks Act 1919—
— Section 13 (Issue of capital).

Milford Docks Act 1922—
The whole Act.

PART II.

Milford Docks Act 1892—

Section 4 (As to profits of Company derived from railway undertaking);

Section 5 (Creation of special debenture stock in lieu of portion of debenture stock A);

Section 11 (Application of special charge debenture stock).

Milford Docks Act 1894—

Section 4 (Amendment of section 5 of the Act of 1892);

Section 5 (Power to grant special mortgages);

Section 6 (Principal of redeemable securities may be charged upon railway undertaking only);

Section 8 (Railway undertaking to be held in trust);

Section 9 (Vacancies among trustees);

Section 10 (Trustees to hold property on trust);

Section 11 (For protection of the National Provident Institution);

Section 12 (Amendment of sections 7 and 8 of the Act of 1892);

Section 13 (Extension of section 11 of the Act of 1892).

Milford Docks Act 1898—

Section 11 (As to special charge debenture stock and mortgages).

Milford Docks Act 1903—

The whole Act.

Milford Docks Act 1906—

Section 12 (Extension of section 11 of Act of 1892 and section 13 of Act of 1894).

Milford Docks Act 1911—

Section 18 (Extension of section 11 of Act of 1892 and section 13 of Act of 1894).

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