



CHAPTER xiii.

An Act for conferring further powers upon the Frimley and Farnborough District Water Company. A.D. 1915.

[9th June 1915.]

WHEREAS the Frimley and Farnborough District Water Company (in this Act called "the Company") are by the Frimley and Farnborough District Water Acts and Orders 1893 to 1909 empowered to supply water within certain limits in the counties of Hants Berks and Surrey:

And whereas owing to the demands now being made and likely to be made upon the Company by His Majesty's War Department and to the rapid growth of the normal demand upon the Company for water the present supplies available to the Company are insufficient to meet their requirements:

And whereas by the Frimley and Farnborough District Water Act 1909 (in this Act called "the Act of 1909") the quantity of water which may be pumped by the Company from the well and pumping station at Odiham by that Act authorised is limited and it is expedient that such limitation should be modified as by this Act provided:

And whereas the total amount of capital which the Company are by the said Acts and Orders authorised to raise is two hundred thousand pounds and the Company are authorised to borrow sums amounting in the aggregate to fifty thousand pounds:

And whereas in exercise of the powers conferred by the said Acts and Orders the Company have created and issued capital to the nominal amount of one hundred and thirty thousand three hundred and eighty pounds which including the

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A.D. 1915. — premiums obtained on the sale thereof has produced one hundred and seventy thousand eight hundred and sixty-eight pounds twelve shillings and sixpence and the Company have borrowed sums amounting in the aggregate to thirty-five thousand six hundred and sixty-five pounds eighteen shillings and ninepence:

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and the general purposes of their undertaking and to apply their funds to those purposes and that further powers should be conferred upon the Company as provided by this Act:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 (that is to say):—

Short and
collective
titles.

1. This Act may be cited as the *Frimley and Farnborough District Water Act 1915* and the *Frimley and Farnborough District Water Acts and Orders 1893 to 1909* and this Act may be cited together as the *Frimley and Farnborough District Water Acts and Orders 1893 to 1915*.

Incorporation
of Acts.

2. So far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act the provisions of the *Companies Clauses Consolidation Act 1845* with respect to the following matters (namely):—

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 general meetings of the Company and the exercise of the right of voting by the shareholders; A.D. 1915.

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 are (except where expressly varied by this Act) incorporated with and form part of this Act.

3. Section 15 (Limiting amount of water to be pumped) of the Act of 1909 shall be read and have effect as if in subsection (1) "one million gallons" were substituted for "five hundred thousand gallons" wherever the latter expression occurs. Amending section 15 of Act of 1909.

4. The Company shall not be liable to any penalty or proceedings under or in pursuance of section 15 of the Act of 1909 as amended by this Act in respect of any day in which the Company shall pump water at the pumping station therein mentioned in excess of the amounts prescribed by subsection (1) of that section as amended by this Act if the pumping in excess of such amounts is rendered necessary by military requirements within the limits of supply of the Company during the continuance of the present war and two years thereafter or by the temporary breakdown of the Company's Itchel Pumping Station. No penalty for excess pumping in certain cases.

5. Section 27 (Provision where existing wells affected) of the Act of 1909 shall be read and have effect as if— Amending section 27 of Act of 1909.

(A) The following subsection were inserted therein in lieu of subsection (1) (viz.):—

If it shall be proved that the pumping by the Company at the pumping station Work No. 1 by this Act authorised has caused any diminution of the supply in any private well existing at the time of the passing of this Act or constructed before the first day of March one thousand nine hundred and fifteen and in either case being situate within a radius of three miles from the said

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pumping station the Company shall upon the written request of the owner of such well (in this section referred to as "the owner" which term shall include any lessee or occupier) afford to the owner a supply of water equal to the amount of such diminution as so proved at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same after as before the construction of the said pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided; and

(B) The following words were added at the end of subsection (2) thereof (that is to say):—

"and in the event of any such deepening borings
" or headings increasing the cost of obtaining or
" continuing to obtain such supply the Company
" shall pay to the owner the amount of such
" increase."

For protec-
tion of
Basingstoke
Canal.

6.—(1) If it shall be proved that the pumping by the Company at the pumping station Work No. 1 authorised by the Act of 1909 has caused any diminution of the supply of water from the springs rising in the Basingstoke Canal within a radius of three miles from the said pumping station the Company shall afford to the owner or owners of such canal a supply of water equal to the amount of such diminution as so proved.

(2) If the Company do not afford a supply equal to the diminution as aforesaid they shall make compensation in money to such owner or owners for such diminution and they shall also make like compensation for any injury caused to such owner or owners by the diminution of the supply from such springs prior to the Company having made good such diminution or paid compensation therefor the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(3) The Company shall not be liable in respect of any claim made by such owner or owners if he or they shall have failed to afford to the officers servants or other representatives of the Company at all reasonable times after the passing of this Act access to such springs for the purpose of ascertaining particulars thereof and the level of the water in the canal.

(4) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed on between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers. A.D. 1915.

7. From and after the passing of this Act the water supplied by the Company within their limits for the supply of water shall not at any time save in case of accident or breakdown or with the consent of the local authority exceed twelve degrees of hardness according to Clark's scale and if the Company make default in complying with the provisions of this section it shall be lawful for the local authority in whose district such default is made to apply to the High Court of Justice for a mandatory order to enforce the same. As to hardness of water supplied by Company.

8. The Company may on all or any of the lands for the time being held by them in connection with their undertaking execute for the purposes of or in connection with the said undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands purchased or taken on lease nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connection with their undertaking. As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

9.—(1) Any urban or rural district council the district under whose jurisdiction is in whole or in part within the limits for the supply of water by the Company may give and enter into any guarantee or contract for securing payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district which is within the said limits by means of such main pipe or works. Guarantees by district councils.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose

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Supply of water by hose-pipe to stables &c.

10. When water supplied by the Company for domestic purposes is used for washing carriages or motor cars or for other purposes in stables or premises where carriages or motor cars are kept the Company may if a hose-pipe or other similar apparatus is used charge such reasonable sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Maintenance of common pipe.

11. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company.

As to communication pipes.

12. For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Power to Company to repair communication pipes.

13. If it should appear to the Company that by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Company subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Company in executing such repairs shall be recoverable by the Company

from the owner or in cases where the communication pipe is repairable by the occupier of such premises from the occupier: A.D. 1915.

Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter:

Provided also that the provisions of section 44 (For protection of Surrey and Southampton County Councils) of the Wey Valley Frimley and Farnham Water Act 1898 so far as it relates to the county of Southampton and the Hants County Council shall so far as applicable apply and have effect as if it had been expressly enacted in this Act with reference to the powers conferred by and the works to be executed under this section and as if the expression "the Company" where used in the said section 44 had reference to the Company.

14. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the capital which they are authorised to raise by the Frimley and Farnborough District Water Acts and Orders 1893 to 1909 any capital not exceeding in the whole for the purposes of this Act and for the general purposes of the undertaking forty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of forty thousand pounds nor shall the Company issue any share created under the authority of this Act of less nominal value than ten pounds Provided also that the Company shall not raise under the powers of this Act by the issue of new preference shares or stock a greater nominal amount of such additional capital than twenty thousand pounds. Power to
Company to
raise addi-
tional
capital.

15.—(1) All shares or stock in the additional capital shall be issued in accordance with the provisions of this section. Shares or
stock in
additional
capital to be
sold by auc-
tion or
tender.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times

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A.D. 1915. and subject to such conditions of sale as the Company shall
from time to time determine Provided as follows:—

- (A) Notice of the intended sale shall be given in writing to the clerk of the council of every district wholly or partially included within the limits for the supply of water by the Company and to the secretary 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 shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits :
- (B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be :
- (C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds :
- (D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid :
- (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies. Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be

allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively. A.D. 1915.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

16. Any preference shares or stock created and issued under the powers of this Act may be issued subject to the conditions that the same may be redeemed by the Company at such times and on such terms and conditions as shall be expressed on the certificates of such shares or stock. Preference shares or stock may be created subject to redemption.

17. Except as by this Act provided the further new capital created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the further new capital were part of the existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned. Except as otherwise provided new shares or stock to be subject to same incidents as existing shares or stock.

18. The Company shall not in any year declare or make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend. Limits of dividend on new capital.

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Power to borrow in respect of additional capital.

19. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premiums (if any) realised on the sale thereof has been fully paid up.

Power to create debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 13 of the Frimley and Farnborough District Water Act 1893.

Priority of money raised on mortgage or debenture stock over certain other claims.

21. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge 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 on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Existing mortgages to have priority.

22. All mortgages granted by the Company in pursuance of or in conformity with any Acts 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 in pursuance of or in conformity with which the same were granted have priority over any mortgages granted under the authority of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

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23. Section 42 (Appointment of receiver) of the Frimley and Farnborough District Water Act 1909 is hereby repealed as from the passing of this Act but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending.

Appointment
of receiver.

The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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 five thousand pounds in the whole.

24. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend:

Application
of moneys.

Provided that in any case where a power to raise money by borrowing or to create a reserve or other fund is made proportionate to the paid-up or nominal capital the premium received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up or nominal capital.

25. The Company may apply to any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the Frimley and Farnborough District Water Acts and Orders 1893 to 1909 or which may be under their control and which are not required for the purposes to which they are by the said Acts and Orders made specially applicable.

Power to
apply funds.

26. If any money is payable to a share or stock holder 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.

Receipt in
case of per-
sons not sui
juris.

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Date of
ordinary
meetings.

27. From and after the passing of this Act the ordinary meetings of the Company shall be held once in every year in the month of February or at such other time as shall be appointed for that purpose by an order of a general meeting.

Quorum of
general
meetings.

28. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be seven shareholders present in person or by proxy holding in the aggregate not less than one-twentieth of the subscribed capital of the Company.

Interim divi-
dend.

29. The directors may in any year without calling a meeting of shareholders for the purpose declare interim half-yearly dividends out of the then ascertained profits of the undertaking of the Company Provided that the amount of any interim half-yearly dividends so declared shall not exceed in any half-year one-half of the amount of the prescribed rates of dividend respectively.

Closing of
transfer
books prior
to declaring
interim divi-
dends.

30. The directors of the Company may close the register of transfers for a period not exceeding fourteen days prior to a declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal place of business is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

As to ap-
pointment of
proxies.

31. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder or stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint
holders.

32. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any share or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the share or stock as if he were

solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the share or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share or stock stands shall for the purposes of this section be deemed joint holders thereof. A.D. 1915.

33. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company fourteen days at least before the day of election. Notice of candidature for office of director.

34.—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places. As to appointment of managing director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

35. In addition to the powers which the directors of the Company may exercise under the Companies Clauses Acts 1845 to 1889 they may from time to time determine the remuneration of the secretary of the Company. Directors may determine remuneration of secretary.

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Auditors.

36. The prescribed number of auditors shall be one unless the number be increased to two by an order of a general meeting and such auditor or one of such auditors 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 Board of Trade and need not hold shares in the undertaking.

Recovery of
penalties &c.

37. Section 59 of the *Frimley and Farnborough District Water Act 1909* is hereby repealed and all offences against this Act or any other Act or any Order relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under this Act or such other Act or Order or any byelaw made in pursuance thereof may save as otherwise thereby expressly provided be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of
demands.

38. Section 60 of the *Frimley and Farnborough District Water Act 1909* is hereby repealed and proceedings for the recovery of any demand made under the authority of this Act or any other Act or Order relating to the Company or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Restriction
on raising
capital.

39. Notwithstanding anything in this Act the Company shall not under the powers of this Act raise or borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Costs of Act.

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

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