

7 & 8 Vict.
c. 18.

9 & 10 Vict.
c. 243.

9 & 10 Vict.
c. 311.

whereas an Act was passed in the Seventh and Eighth Years of th
Reign of Her present Majesty, intituled *An Act to consolidate th*
North Midland, Midland Counties, and Birmingham and Derby
Junction Railways, whereby the Companies to whom such Railways
respectively belonged were united into One Company under the Name
of "The *Midland Railway Company*," and the same Railways and all
Branches thereof respectively were and are now vested in such united
Company: And whereas another Act was passed in the last Session
of Parliament, intituled *An Act for vesting the Leicester and Swan-*
nington Railway in the Midland Railway Company, whereby the
Leicester and Swannington Railway Company were dissolved, and all
the Rights, Property, and Effects of the said Company became vested
in the *Midland Railway Company*: And whereas another Act was
also passed in the last Session of Parliament, intituled *An Act for*
enabling the Midland Railway Company to alter a Portion of the
Leicester and Swannington Railway, and to make certain Branches:
And whereas it is expedient that certain Portions of the Line of the
said *Leicester and Swannington Railway* herein-after mentioned
should be widened and enlarged, and additional Lines of Rail laid
down, and also that the Branch Railway authorized to be made
by the said last-recited Act from *New Parks* to the *Midland Railway*
near *Leicester*, and also a Portion of the Branch Railway by the same
Act authorized from *Burton-upon-Trent* to join the said *Leicester*
and Swannington Railway in the Parish of *Whitwick* in the County
of *Leicester*, should be respectively abandoned, and new Lines of
Railway made in lieu thereof respectively, that is to say, from the
Leicester and Swannington Railway in the Parish of *Ratby* and
County of *Leicester* to join the *Midland Railway* in the Parishes
of *Knighton* and *St. Mary Leicester*, both in the County of *Leicester*,
and from the said Branch Railway from *Burton-upon-Trent* aforesaid
in the Parish of *Gresley* otherwise *Church Gresley* in the County of
Derby to the *Leicester and Swannington Railway* in the Parish of
Ibstock in the County of *Leicester*: And whereas it would be attended
with much local and public Advantage if Branch Railways were made
in connexion with the said *Leicester and Swannington Railway* to the
Gresley Collieries, to *Gresley Wood*, to a certain Colliery called
Price's Colliery, and to *New Hall Field Colliery*, all in the Parish
of *Gresley* otherwise *Church Gresley* in the County of *Derby*: And
whereas under and by virtue of the Act secondly herein-before
recited Powers were granted to the *Leicester and Swannington*
Railway Company to purchase certain Lands whereon a Branch
Railway known as the *Ibstock Branch*, and situate within the several
Parishes of *Ibstock*, *Nailstone*, *Bagworth*, and *Thornton*, or some of
them, in the County of *Leicester*, has been constructed: And whereas
the Period limited by such Act for the Purchase of the said Lands
has expired, and it is expedient that the same should be revived, and
that the *Midland Railway Company* should be enabled to purchase
such Lands, and also to widen and enlarge certain Portions of the
said *Ibstock Branch*, and also to extend and enlarge the present
Station of the *Leicester and Swannington Railway* at *Leicester*: And
whereas the *Midland Railway Company* are willing to execute the
said Works, if authorized by Parliament so to do; but it is necessary
that the said Company should be enabled to raise a further Sum of
Money,

Money, and that the said recited Acts should be amended: 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 Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions of the said recited Acts, so far as the same are and may be applicable, and are now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or as may be inconsistent with the Provisions of the "Railways Clauses Consolidation Act, 1845," or of the "Lands Clauses Consolidation Act, 1845," shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things, and the said Acts and this Act shall be construed and read together as forming One Act, and the several Branch Railways and other Works by this Act authorized to be made by the *Midland Railway Company* shall, when so made, form Part of the Undertaking of the *Midland Railways*.

Provisions of former Acts extended to this Act.

II. And be it enacted, That the said "Railways Clauses Consolidation Act, 1845," and the said "Lands Clauses Consolidation Act, 1845," shall, so far as the same are applicable, and are not modified by this Act, or inconsistent with the Provisions thereof, be held to apply to the Alterations, Branches, and other Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

8 & 9 Vict. cc. 18. and 20. extended to this Act.

III. And be it enacted, That in citing the said Act fourthly herein-before recited in other Acts of Parliament, and in all legal Documents and Pleadings, it shall be sufficient to use the Expression "The *Midland Railway Consolidation Act, 1844*," and in citing the said fifthly recited Act as aforesaid it shall be sufficient to use the Expression "The *Midland Railway (Leicester and Swannington Railway Purchase) Act, 1846*," and in citing the said sixthly recited Act as aforesaid it shall be sufficient to use the Expression "The *Midland Railway, Leicester and Swannington Alteration and Branches, Act, 1846*," and in citing this Act as aforesaid it shall be sufficient to use the Expression "The *Midland Railway, Leicester and Swannington Railway Amendment Act, 1847*."

Short Title.

IV. And whereas the additional Capital which the said Company will require for the Purposes of the Works by this Act authorized, over and above the Capital which they were authorized to raise by the said last-recited Act, is One hundred and fifteen thousand Pounds; be it therefore enacted, That it shall be lawful for the *Midland Railway Company* to raise for the Purposes of this Act, on the Credit of their Undertaking, and the Revenue arising thereon, any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and fifteen thousand Pounds: Provided always, that it shall not be lawful for the said Company to borrow on Mortgage or Bond any Sum or Sums of Money which, together with such Sums as may be due and owing by the said Company on Mortgage or Bond on their

Power to raise Money.

their Undertaking at the Time of the borrowing of such Sum or Sums of Money, would amount to One Third of the Capital of the Company in Shares or Stock; and it shall not be lawful for the said Company to borrow the Money hereby authorized to be raised unless and until the whole of the Capital of the said Company in Shares or Stock shall have been subscribed for, and One Half thereof actually paid up: Provided also, that if any new Shares shall be created by virtue of this Act such Shares shall entitle the Holders thereof to such Rights and Privileges only as may be determined in reference thereto before the Creation thereof by any General Meeting of the Company.

Provisions of 8 & 9 Vict. c. 16. as to borrowed Money to apply to this Act.

V. And be it enacted, That all the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing by the said Company of all or any of the Monies hereby authorized to be raised by them, and to the Conversion thereof into Capital.

Interest not to be paid on Calls paid up.

VI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the said recited Acts, or any of them, in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

VII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act, or any other Act relating to the said Railway Company, authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway and Branches to be made according to deposited Plans.

VIII. And whereas Maps or Plans and Sections, showing the Situation of the Alterations or Enlargements proposed to be made in the *Leicester and Swannington* Railway and the Levels thereof, and also the Lines and Levels of the said intended new or altered Lines of Railway and Branch Railways, and also the Situation of the said *Ibstock* Branch Railway, and the proposed Alterations and Enlargements thereof, and also of the Lands required for the Purpose of enlarging the present Station of the *Leicester and Swannington* Railway at *Leicester*, together with Books of Reference to the said Plans containing the Names of the reputed Owners and Lessees and

of the Occupiers of the Lands which may be required to be taken for the Purposes thereof respectively, have been deposited with the Clerks of the Peace of the Counties of *Leicester* and *Derby* respectively; be it therefore enacted, That, subject to the Provisions and Powers of Deviation in the said "Railways Consolidation Act, 1845," contained, it shall be lawful for the *Midland Railway Company* to alter, widen, and enlarge the Line of the said *Leicester and Swannington Railway*, and also to make and maintain the new or altered Lines of Railway and Branch Railway herein-after mentioned, and also to alter, widen, and enlarge the said *Ibstock Branch Railway*, and also to extend and enlarge the present Station of the said *Leicester and Swannington Railway* at *Leicester*, with all proper Works and Conveniences connected therewith respectively, upon the Site and in the Lines and upon the Lands delineated in the said Plans and referred to in the said Books of Reference, and according to the Levels defined upon the Sections deposited as aforesaid, and to enter upon and take and use such of the said Lands as may be requisite for such Purposes respectively.

IX. And be it enacted, That the Portions of the said *Leicester and Swannington Railway* to be altered, widened, and enlarged as aforesaid shall be as follows; that is to say, from a Point in the Parish of *Ibstock* in the County of *Leicester* near the Fourteenth Mile Post on the said Railway measured from *Leicester*, passing thence from, in, through, or into the several Parishes, Townships, and Places of *Ibstock* and *Thornton* in the County of *Leicester*, to another Point near the Eleventh Mile Post thereon measured from *Leicester*, and in the Parish of *Thornton* aforesaid; also from the said Point thereon near the Eleventh Mile Post in the said Parish of *Thornton*, passing wholly within the said Parish of *Thornton*, to another Point thereon near to the Ninth Mile Post measured from *Leicester*, and in the said Parish of *Thornton*; and also from the said Point in the Parish of *Thornton* near to the Ninth Mile Post, passing thence from, in, through, or into the several Parishes, Townships, and Places of *Thornton*, *Desford*, and *Ratby*, or some of them, in the County of *Leicester*, to another Point thereon near to the Sixth Mile Post measured from *Leicester*, and in the said Parish of *Ratby*.

X. And be it enacted, That the said Company shall abandon the Formation of so much of the Branch Railway from *Burton-upon-Trent* to *Whitwick*, as authorized to be made by the said last-recited Act, as lies between a certain Field in the Parish of *Gresley* otherwise *Church Gresley* in the County of *Derby* numbered 64 on the Plans of the said Branch Railway referred to in the said Act, and the intended Termination of the said Branch Railway in the Parish of *Whitwick* and County of *Leicester*, and also abandon the Formation of the Branch Railway authorized to be made by the said last-recited Act from the said *Leicester and Swannington Railway* in *New Parks* in the County of *Leicester* to the *Midland Railway* in the Parish of *Saint Mary Leicester*, and all the Powers of the Company in relation to the Portions of the several Lines of Railway hereby required to be abandoned shall cease and determine; and it shall be lawful for the said Company to make new or altered Lines of Railway, hereafter

[Local.]

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described,

Portions of
Railway to
be widened.Power to
abandon
Portions of
certain
Branches of
Railways.

described, in lieu of the said Portions of Railway so to be abandoned; and the said Company shall also abandon so much of the Line of the said *Leicester and Swannington* Railway between the Points specified in the Alteration secondly herein-before authorized as by reason of such Alteration will become useless and unnecessary.

Description
of new Lines.

XI. And be it enacted, That the new or altered Line of Railway to be made in lieu of the Portion of Railway firstly herein-before mentioned, and proposed to be abandoned, shall commence by a Junction with the Line of the said Branch Railway from *Burton upon Trent* to *Whitwick* in a Field in the Parish of *Gresley* otherwise *Church Gresley* in the County of *Derby* numbered 64 on the Plans of the said Branch Railway referred to in the said last-recited Act, and shall pass thence from, in, through, or into the several Parishes, Townships, and Places of *Gresley* otherwise *Church Gresley* in the County of *Derby*, *Seals*, *Ashby-de-la-Zouch*, *Measham*, *Coleorton*, *Whitwick*, and *Ibstock*, or some of them, in the County of *Leicester*, and *Ravenstone* in the Counties of *Leicester* and *Derby*, or one of them, and shall terminate by a Junction with the Line of the *Leicester and Swannington* Railway in the said Parish of *Ibstock*; and the other of such new or altered Lines of Railway shall commence by a Junction with the Line of the *Leicester and Swannington* Railway in the Parish of *Ratby* and County of *Leicester*, and shall pass thence, from, in, through, or into the several Parishes, Townships, and Places of *Ratby*, *Desford*, *Glenfield*, *Leicester Forest*, *Bramstone Frith*, *New Parks*, *Saint Mary Leicester*, and *Knighton*, or some of them, in the County of *Leicester*, and terminate by a Junction with the Line of the *Midland* Railway in the Parish of *Knighton* aforesaid, and also by another Junction with the same Railway in the said Parish of *Saint Mary Leicester*.

Branch to
Gresley Col-
lieries.

XII. And be it enacted, That the said Branch to the *Gresley* Collieries shall commence by a Junction with the said Branch from *Burton upon Trent* to *Whitwick* near to a certain Road in the Parish of *Gresley* otherwise *Church Gresley* aforesaid numbered 25 on the Plans of the said Branch Railway referred to in the said last-recited Act, and shall pass wholly within the said Parish of *Gresley* otherwise *Church Gresley*, and terminate therein near to the *Gresley* Collieries.

Branch to
Gresley
Wood.

XIII. And be it enacted, That the said Branch Railway to *Gresley Wood* shall commence by a Junction with the Line of the Branch Railway to the *Swadlincote* Collieries as authorized to be made by the said last-recited Act in the Parish of *Stapenhill* and County of *Derby*, and shall pass wholly within the said Parish of *Gresley* otherwise *Church Gresley*, and terminate therein at or near the South Side of *Gresley Wood*.

Branch to
Price's Col-
liery.

XIV. And be it enacted, That the said Branch Railway to *Price's* Colliery shall commence by a Junction with the said Branch to the *Swadlincote* Collieries in the said Parish of *Gresley* otherwise *Church Gresley*, and shall pass wholly within the said Parish of *Gresley* otherwise *Church Gresley*, and terminate therein at or near a certain Colliery called *Price's* Colliery.

XV. And be it enacted, That the said Branch Railway to *Newhallfield* Colliery shall commence by a Junction with the Line of the said Branch Railway to the *Swadlincote* Collieries in the said Parish of *Gresley* otherwise *Church Gresley*, and shall pass wholly within the said Parish of *Gresley* otherwise *Church Gresley*, and terminate therein at *Newhallfield* Colliery.

Branch to
Newhall-
field Col-
liery.

XVI. And be it enacted, That the said Alteration and Enlargement of the Station at *Leicester* shall be within the extra-parochial Place called *Augustine Friars* in *Leicester* in the said County of *Leicester*.

Enlargement
of Leicester
Station.

XVII. And be it enacted, That, subject to the Provisions in the said Railways Consolidation Act contained in reference to the crossing of Roads on a Level, it shall be lawful for the said *Midland* Railway Company, in the Construction of the several Railways by this Act authorized to be made, to carry the same across and on the Level of the several Highways numbered on the Plans deposited as herein-before mentioned as follows; that is to say,

Certain
Roads may
be crossed
on a Level.

In the Parish of *Whitwick*, the Roads numbered respectively 24 and 56 on the said Plans:

In the Parish of *Ibstock*, the Roads numbered respectively 1, 61, 77, 97, and 116, on the said Plans:

In the Parish of *Thornton*, the Roads numbered respectively 75 and 76 on the said Plans:

In the Parish of *Desford*, a Road numbered 49 on the said Plans:

In the Parish of *Saint Mary Leicester*, a Road numbered 65 on the said Plans.

XVIII. And be it enacted, That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Road on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the Crossings of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to
erect a Sta-
tion or Lodge
at the Points
of crossing,
and to abide
by the Re-
gulations of
the Commis-
sioners of
Railways.

XIX. And whereas one of the said new or altered Lines of Railway is intended to be carried over the *Leicestershire* and *Northamptonshire* Union Canal; be it enacted, That the said Company shall carry the Railway over the said Canal by means of a good and substantial fixed Bridge over the said Canal and the Towing Path thereof, at the Point marked upon the said Plans and Sections, or within the Limits of Deviation marked on the said Plans, with a clear Head Room above the ordinary Top-water Level of the Canal of not less than Nine Feet,

Railway to
be carried
across Lei-
cestershire
and North-
amptonshire
Union Canal
by a fixed
Bridge.

and

and a clear Head Room above the Towing Path of not less than Seven and a Half Feet, with perpendicular Foundation Walls, having the Waterway of a clear Width of Twenty Feet, besides a clear and uninterrupted Space of not less than Seven Feet in Width for the Towing Path, and that the Towing Path under the Bridge shall be maintained of the same Level as at present, and the Springing of the Arch shall be at least Five Feet above the Level of the Towing Path, and that the said Company shall, if required so to do, also erect a substantial Iron Fence to the said Towing Path under the Bridge, and for Twenty Feet on each Side thereof, which said Bridge and Iron Fence shall be made and for ever thereafter maintained in good and sufficient Repair and Condition by the said Railway Company; and the said Company shall not in the Erection of such Bridge, or in the Repair or Renewal thereof, or by any other Means, alter the Course or Level or lessen the Width of the said Canal or the Towing Path or the Banks thereof, or in any Manner obstruct the Navigation of the said Canal or the said Towing Path, or divert therefrom, intercept, diminish, or allow to escape any of the Waters therein, or which now supply the said Canal, or injure any of the Works of the said Canal.

Penalty on
Company for
obstructing
or injuring
Canal.

XX. And be it enacted, That if during the Construction of any of the Works by this Act authorized, or by reason of the bad State of Repair of any such Works or of the said Bridge, or by the Stoppage or Diminution of the Water of the said Canal in consequence of any of the Operations of the said Railway Company, it shall happen that the said Canal or the Towing Path thereof shall be so obstructed as that the Boats, Barges, or other Vessels navigating or using the same shall be impeded in their Passage, or shall not be able freely or uninterruptedly to pass along the same, or in case the navigable Waterway or Towing Path, or either of them, shall at any Time be contracted to a less Width than is hereby authorized, save and except during the Time of constructing the said Works, then and in every such Case the said Railway Company shall pay to the Company of Proprietors of the said Canal, by way of Damages, for any Injury to be so sustained, such Sum or Sums of Money as shall be determined by Arbitration in manner provided by the "Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Lands for
extraordi-
nary Pur-
poses.

XXI. And be it enacted, That in addition to any Lands which the said Company are at present authorized to purchase, and in addition also to the Lands which they are by this Act authorized to purchase for the Construction of the Railways and Works by this Act authorized, it shall be lawful for the said Company to purchase and hold any Quantity of Land not exceeding Fifty Acres, for all or any of the extraordinary Purposes specified in the "Railways Clauses Consolidation Act, 1845."

Period for
compulsory
Purchase
of Lands.

XXII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of the several new and altered Lines of Railway and Branch Railways and Works by this Act authorized shall not be exercised after the Expiration of Three Years from the passing of this Act.

XXIII. And

XXIII. And be it enacted, That, subject to the Provisions of the "Lands Clauses Consolidation Act, 1845," the compulsory Powers conferred by the said secondly-recited Act for the Purchase of the Lands wherein and over which the said *Ibstock* Branch Railway has been made shall be and the same are accordingly hereby revived, and the compulsory Powers of the Company for the Purchase of such Lands, and of the Lands required for the proposed Alterations and Enlargement of the said Branch Railway, shall not be exercised after the Expiration of Two Years from the passing of this Act.

Reviving Powers for compulsory Purchase of the Lands on *Ibstock* Branch.

XXIV. And be it enacted, That the said several new and altered Lines of Railway, Branch Railways, and Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing the same shall cease to be exercised, except as to so much of the said Works respectively as shall then be completed.

Period for Completion of Works.

XXV. And be it enacted, That it shall be lawful for the said *Midland* Railway Company to demand and receive, in respect of the Use of the proposed Alterations of the Main Line of the *Leicester and Swannington* Railway by this Act authorized to be made, such maximum Tolls and Charges as they are authorized to demand and receive in respect of the said Main Line under and by virtue of the said Act fifthly herein-before recited, and in respect of the Use of the other new and altered Lines of Railway and Branch Railways thereby authorized, such maximum Tolls and Charges as they are authorized to demand and receive under and by virtue of the said last-recited Act; and all the Provisions of the said recited Acts respectively with regard to the Tolls and Charges which the said *Midland* Railway Company are thereby authorized to demand and receive shall be respectively applicable to the proposed Alterations of the said Main Line, and also to the new and altered Lines of Railway and Branch Railway hereby authorized.

Tolls.

XXVI. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said *Midland* Railway Company, *pari passu* with the Costs, Charges, and Expences of every other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to every other Payment whatsoever.

Expences of Act.

XXVII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by*

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways ; and Two other Acts were passed in the last Session of Parliament, intituled respectively An Act for constituting Commissioners of Railways and An Act for regulating the Gauge of Railways ; be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this Act authorized to be made, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Company so far as the same shall be applicable thereto.

Railway not exempt from Provisions of any future general Act.

XXVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railways, Branch Railways, and Works by this and the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

XXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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