



CHAPTER clxxi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Barnard Castle and Malton, and to the Counties of York and Durham. A.D. 1889.
[12th August 1889.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto, under the provisions of the Public Health Act, 1875, and the Local Government Act, 1888 : 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament : 51 & 52 Vict. c. 41.

Be it therefore 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 :

1. The Orders as altered and set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. Whereas the Norton Ward of the local government district of Malton is co-extensive with the parish of Norton, and the members of the Malton Local Board representing that ward form the burial board for that parish : Special provision relating to the Malton Order and the Norton Burial Board.

And whereas in pursuance of the Provisional Order relating to the local government district of Malton hereby confirmed (in this section referred to as "the Malton Order") the portion of the said local government district which comprises the Norton Ward will, from and after the twenty-ninth day of September one thousand eight hundred and eighty-nine, be included in and form part of the rural sanitary district of the Malton Union ; and it is expedient

[Ch. clxxi.] *Local Government Board's* [52 & 53 VICT.]
Provisional Orders Confirmation (No. 3) Act, 1889.

A.D. 1889. that the following provision should be made with respect to the burial board for the parish of Norton :

Be it therefore enacted as follows:—

(1.) The burial board for the parish of Norton shall continue to exist, but the members thereof who are in office immediately before the twenty-ninth day of September one thousand eight hundred and eighty-nine shall on that date go out of office, and a sufficient number of persons shall be appointed to be members of the burial board by the vestry of the parish in the manner provided by section eleven of the Burial Act, 1852, as extended to parishes outside the metropolis by section seven of the Burial Act, 1853.

15 & 16 Vict.
c. 85.
16 & 17 Vict.
c. 134.

(2.) The vestry meeting of the parish of Norton for the purpose of appointing such members of the burial board shall be held between the first day of September one thousand eight hundred and eighty-nine and the twenty-ninth day of September one thousand eight hundred and eighty-nine, and the members so appointed shall come into office on the last-mentioned date.

15 & 16 Vict. c. 85.
16 & 17 Vict. c. 134.
17 & 18 Vict. c. 87.
18 & 19 Vict. c. 128.
20 & 21 Vict. c. 81.
22 Vict. c. 1.
23 & 24 Vict. c. 64.
25 & 26 Vict. c. 100.
34 & 35 Vict. c. 33.
38 & 39 Vict. c. 55.

(3.) The burial board shall have, exercise, and enjoy such powers and duties under the Burial Acts, 1852 to 1871, in all respects as if such burial board had been formed for a parish not within the district of a local board.

(4.) The provisions of section three hundred and nine of the Public Health Act, 1875, shall (*mutatis mutandis*) apply to any existing officer of the burial board who may, in consequence of this section, or of the Malton Order, be removed from his office or deprived of the whole or part of the emoluments of his office.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 3) Act, 1889.

SCHEDULE.

A.D. 1889.

LOCAL GOVERNMENT DISTRICT OF
BARNARD CASTLE.

*Barnard
Castle
Order.*

*Provisional Order for diminishing the Local Government District
of Barnard Castle, and for other purposes.*

To the Barnard Castle Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Barnard Castle, in the County of Durham; —

To the Guardians of the Poor of the Teesdale Union, in the County of Durham and in the North Riding of the County of York, being the Sanitary Authority for the Rural Sanitary District of that Union; —

And to all others whom it may concern.

WHEREAS the Local Government District of Barnard Castle, in the County of Durham (herein-after called "the Urban District"), is an Urban Sanitary District, of which the Barnard Castle Local Board of Health (herein-after referred to as "the Local Board") are the Urban Sanitary Authority;

And whereas that portion of the Urban District which is part of the Township of Startforth is separated from the remainder of the Urban District by the River Tees, but immediately adjoins the portion of the Rural Sanitary District of the Teesdale Union which is situate in the said North Riding (herein-after referred to as "the Rural District");

And whereas the Local Board consists of fifteen members;

And whereas the Local Board have borrowed certain sums for the construction of permanent works in the Urban District, and are the owners of certain property held for the benefit of the Urban District:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 270 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby declare that, from and after the date when this Order shall come into operation, all that portion of the Urban District which is part of the Township of Startforth (herein-after referred to as "the detached area") shall be included in, and form part of, the Rural District.

And We hereby Order as follows; viz.,—

Art. I. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty-nine.

Art. II. Three of the fifteen members of the Local Board, to be selected by the Local Board by ballot at a meeting held previous to the said Twenty-ninth day of September, shall on that date go out of office, and their places shall

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A.D. 1889.

—
*Barnard
Castle
Order.*
—

not be filled up, and subject to the provisions of Schedule II. to the Public Health Act, 1875, and of Section 57 of the Local Government Act, 1888, the number of members constituting the Local Board shall be reduced from fifteen to twelve.

Art. III. One-third of the remaining members of the Local Board (being those who have been longest in office) shall go out of office in each of the years One thousand eight hundred and ninety, One thousand eight hundred and ninety-one, and One thousand eight hundred and ninety-two, in accordance with Rule 59 of Schedule II., Part 1, to the Public Health Act, 1875; and if the person to go out of office in each year cannot be determined as above provided the Local Board shall, previous to each election, determine (as between the members who have been in office for the same time) which of them shall retire.

Art. IV.—(1.) The waterworks and water rights now belonging to the Local Board shall continue to be the property of that Board, and shall not in whole or in part become the property of the Sanitary Authority of the Rural District (herein-after referred to as "the Rural Authority").

(2.) The Local Board shall continue to afford to the inhabitants of the detached area a like supply of water to that now afforded to them from the said waterworks.

(3.) The Local Board may, and, if required by the Rural Authority, shall, provide and maintain meters and any other necessary works for measuring the supply given to the inhabitants of the detached area, and shall continue to maintain, and when necessary renew, the existing works and provide additional works as may be required for the distribution of the supply to be afforded as aforesaid, and if the supply derived from the present waterworks shall wholly or partially fail, the Local Board shall, subject as herein-after mentioned, cause new or additional works to be constructed for providing for the inhabitants of the detached area a like supply to that now afforded to them.

(4.) No part of the mortgage debts of the Local Board shall be transferred to the Rural Authority, but the Rural Authority, so long as any part of such of the said mortgage debts as have been incurred in respect of the waterworks of the Local Board shall remain unpaid, shall in every year pay to the Local Board one-twelfth part of the interest or instalments of principal payable by the Local Board during that year in respect of such debts, and one-twelfth part of any sums payable by the Local Board during the year into a sinking fund for the repayment of such debts.

(5.) A separate account shall be kept by the Local Board of the cost of maintaining and renewing such parts of the present waterworks as are for the mutual benefit of the Urban District and the detached area (comprising the water mains from the spring-head to the centre of the Barnard Castle Bridge, with the two reservoirs and all appurtenances thereto), and of constructing and maintaining any new or additional works constructed as herein-before mentioned in case of the failure of the present supply, and such costs shall include all tithes, rates and taxes paid in respect of the said parts of the waterworks, and any payments in respect of water way-leaves, and compensation for the deprivation of water, together with a reasonable allowance for the inspection and management of the said parts of the works. A copy of such account giving all reasonable credits shall be delivered to the Rural Authority at the end of each financial year, and one-twelfth of the net amount expended as aforesaid, together with the whole of the cost of maintaining, renewing, and providing the works of distribution in the

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detached area, and one half of the cost of providing and maintaining the meters and other necessary works for measuring the supply to the said area, shall be repaid to the Local Board by the Rural Authority. All moneys so repaid, and all other moneys payable under this Article by the Rural Authority, shall be charged as special expenses in the detached area, and may be levied by a rate in the nature of a rate for special expenses assessed on the rateable property in that area.

(6.) Except as aforesaid, no charge shall be made by the Local Board for the supply of water to the detached area, unless the same shall in any year exceed the present supply, the amount whereof shall, as soon as practicable after the 29th day of September 1889, be determined by agreement between the Local Board and the Rural Authority, and in default of agreement by arbitration in manner provided by the Public Health Act, 1875. In the event of the supply exceeding in any year the quantity so determined as aforesaid, the Rural Authority shall pay the Local Board for such excess at a rate per 1,000 gallons to be determined by agreement, or in default of agreement by arbitration as aforesaid.

Provided always, that if, through the entire or partial failure of the present source of water supply, it shall be necessary to provide new or additional water-works as aforesaid, the cost of constructing and maintaining such new or additional works shall not be chargeable on the Rural Authority, unless and until the fair proportions in which the expenditure on such new or additional works shall be borne by the Local Board and the detached area respectively have been settled by agreement, or in default of agreement by arbitration as aforesaid.

(7.) The Local Board shall continue to have such powers under the Public Health Act, 1875, in the detached area with regard to the execution of works and the laying of water mains and otherwise as may be necessary for the above-named purposes as if that area continued to be within the Urban District, and the Local Government Board shall have power by Order to determine any question that may arise as to the duties or powers of the Local Board under this Article, or otherwise, in respect of the premises.

Art. V. Subject to the provisions of Article IV. of this Order, the Local Government Board may, by Order, provide for the settlement of any doubt or difference arising between the Local Board and the Rural Authority as to or consequent upon the operation of this Order, and may make an equitable adjustment of the property and liabilities of the Local Board as between the Urban District and the Rural District, and as between the detached area and the remainder of the Township of Startforth; and may in such Order deal with any matter which may be dealt with by an Order or Provisional Order made under Section 304 of the Public Health Act, 1875.

Given under the Seal of Office of the Local Government Board, this
Twenty-ninth day of March, One thousand eight hundred and
eighty-nine.

(L.S.)

CHAS. T. RITCHIE, President.
HUGH OWEN, Secretary.

A.D. 1889.

—
*Barnard
Castle
Order.*
—

A.D. 1889.

Malton
Order.

LOCAL GOVERNMENT DISTRICT OF MALTON.

*Provisional Order for diminishing the Local Government District
of Malton, and for other purposes.*

To the Borough of Malton Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Malton, in the North Riding of the County of York ;—

To the Guardians of the Poor of the Malton Union, in the North and East Ridings of the County of York, being the Sanitary Authority for the Rural Sanitary District of that Union ;—

And to all others whom it may concern.

WHEREAS the Local Government District of Malton, in the North Riding of the County of York (herein-after called "the Urban District"), is an Urban Sanitary District, of which the Borough of Malton Local Board of Health (herein-after referred to as "the Local Board") are the Urban Sanitary Authority ;

And whereas the portion of the Urban District which consists of the Parish of Norton is separated from the remainder of the Urban District by the River Derwent, but immediately adjoins the portion of the Rural Sanitary District of the Malton Union which is situate in the East Riding (herein-after referred to as "the Rural District") ;

And whereas the Urban District is, for the purposes of the election of the Local Board, divided into three wards, termed respectively, the New Malton Ward, the Old Malton Ward; and the Norton Ward, and the said Norton Ward is co-extensive with the said Parish of Norton ;

And whereas the Local Board consists of eighteen members, six of whom are elected by the said Norton Ward ;

And whereas the Local Board have borrowed certain sums for the construction of permanent works in the Urban District, and are the owners of certain property held for the benefit of the Urban District :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 270 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby declare that, from and after the date when this Order shall come into operation, all that portion of the Urban District which comprises the Norton Ward shall be included in, and form part of, the Rural District.

And We hereby Order as follows ; viz.,—

Art. I. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty-nine.

Art. II. The members representing the Norton Ward shall go out of office.

Art. III. Subject to the provisions of Schedule II. to the Public Health Act, 1875, and of Section 57 of the Local Government Act, 1888, the number of members constituting the Local Board shall be diminished from eighteen to twelve, and the number of members of the Local Board to be elected by the New Malton Ward and Old Malton Ward respectively shall be the same as before the date of this Order.

[52 & 53 VICT.] *Local Government Board's* [Ch. clxxi.]
Provisional Orders Confirmation (No. 3) Act, 1889.

Art. IV. The Local Government Board may, by Order, provide for the settlement of any doubt or difference arising between the Local Board and the Rural Sanitary Authority of the Rural District as to or consequent upon the operation of this Order, and may make an equitable adjustment of the property and liabilities of the Local Board as between the Urban District and the Rural District; and may in such Order deal with any matters which may be dealt with by an Order or Provisional Order made under Section 304 of the Public Health Act, 1875.

A.D. 1889.

Malton
Order.

Given under the Seal of Office of the Local Government Board this
Twenty-ninth day of March, One thousand eight hundred and
eighty-nine.

(L.S.)

CHAS. T. RITCHIE, President.
HUGH OWEN, Secretary.

COUNTY OF YORK.

York Order.

*Provisional Order made in pursuance of Section 54 of the Local
Government Act, 1888.*

To the Justices of the Peace for the North Riding of the County of York,
in Quarter Sessions assembled; —

To the County Council for the Administrative County of the North Riding
of the County of York; —

To the Justices of the Peace for the East Riding of the County of York, in
Quarter Sessions assembled; —

To the County Council for the Administrative County of the East Riding of
the County of York; —

To the Borough of Malton Local Board of Health, being the Sanitary
Authority for the Urban Sanitary District of Malton, in the Adminis-
trative County of the said North Riding; —

To the Guardians of the Poor of the Malton Union, in the Administrative
Counties of the said North and East Ridings, being the Sanitary
Authority for the Rural Sanitary District of that Union; —

To the Churchwardens and Overseers of the Poor of the Parish of Norton,
in the Administrative County of the said North Riding; —

And to all others whom it may concern.

WHEREAS by paragraph (a) of sub-section (1) of Section 46 of the Local
Government Act, 1888 (which Act is herein-after referred to as "the Act"),
it is enacted that the ridings of Yorkshire shall be separate administrative
Counties;

And whereas by sub-section (1) of Section 50 of the Act it is enacted that the
first Council elected under the Act for any administrative County shall, subject
as therein-after mentioned, be elected for the County at large, as bounded at the

[Ch. clxxi.] *Local Government Board's* [52 & 53 VICT.]
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A.D. 1889. passing of the Act, for the purpose of the election of members to serve in
York Order. Parliament for the County, but by paragraph (b) of that sub-section it is
provided that where any Urban Sanitary District is situate partly within and partly
without the boundary of such County, the District shall be deemed to be within
that County which contains the largest portion of the population of the District,
according to the census of one thousand eight hundred and eighty-one ;

And whereas by sub-section (2) of Section 50 of the Act, it is enacted that
the County Council elected under the Act shall have, for the purposes of the
Act, authority throughout the administrative County for which it is elected, and
that the administrative County, as bounded for the purpose of the election, shall,
subject to alterations made in manner therein-after mentioned, be for all the
purposes of the Act the County of such County Council ;

And whereas by virtue of Section 54 of the Act, the Local Government Board
are empowered to make an Order for the alteration of the boundary of any
County and the alteration of the boundary of any electoral division of a
County ;

And whereas the Local Government District of Malton (herein-after referred
to as "the District") comprises the three Parishes of Old Malton, New Malton,
and Norton, and at the date of the passing of the Act the portion of the District
included in the Parishes of Old Malton and New Malton was situate in the
County of the North Riding and the portion of the District included in the
Parish of Norton was situate in the County of the East Riding ;

And whereas by virtue of Sections 50 and 59 of the Act the portion of the
District which comprises the Parish of Norton is now within the said County
of the North Riding ;

And whereas the Local Government Board by an Order dated the Fourteenth
day of August, One thousand eight hundred and eighty-eight, and made in
pursuance of the Act, determined that the number of County Councillors for the
North Riding of the County of York should be sixty, and the quarter sessions
for the North Riding of the said County, in determining the electoral divisions in
the administrative County of that riding for the purpose of the election of
County Councillors in pursuance of the Act, formed an electoral division, termed
the Norton Electoral Division, which is conterminous with the said Parish of
Norton ;

And whereas a Councillor has been elected accordingly to represent the Norton
Electoral Division on the County Council for the administrative County of the
said North Riding ;

And whereas the Local Government Board by another Order dated the
Fourteenth day of August, One thousand eight hundred and eighty-eight, and
made in pursuance of the Act, determined that the number of County Councillors
for the East Riding of the County of York should be fifty-one ;

And whereas by virtue of a Provisional Order of the Local Government
Board dated the Twenty-ninth day of March, One thousand eight hundred and
eighty-nine, and made under Section 270 of the Public Health Act, 1875, all that
portion of the District which comprises the said Parish of Norton will, on the
Twenty-ninth day of September, One thousand eight hundred and eighty-nine,
be included in the Rural Sanitary District of the Malton Union :

[52 & 53 VICT.] *Local Government Board's* [Ch. clxxi.]
Provisional Orders Confirmation (No. 3) Act, 1889.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 54 and 59 of the Act, and by any other enactments in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect :—

A.D. 1889.

York Order.

Art. I. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty-nine.

Art. II. The several terms in this Order shall have the same meanings respectively as are assigned to them by Section 100 of the Act.

Art. III. The boundary between the Counties of the North and East Ridings of the County of York shall be altered so that the Parish of Norton shall cease to be within the County of the North Riding, and shall form part of the County of the East Riding.

Art. IV.—(1.) Subject to the provisions of Section 54 of the Act, the said Parish of Norton shall form an electoral division in the administrative County of the East Riding of the County of York under the name of the Norton Electoral Division, and the number of County Councillors for that administrative County shall be increased from fifty-one to fifty-two.

(2.) The person who immediately before the said Twenty-ninth day of September, One thousand eight hundred and eighty-nine, is a County Councillor of the administrative County of the said North Riding by virtue of the election held in the said Norton Electoral Division shall, on that date, become a County Councillor of the administrative County of the said East Riding, and shall continue to represent that electoral division as if at the date of his election that division had been a division of the last-mentioned administrative County.

Art. V. The said Parish of Norton shall be included in the Petty Sessional Division and Coroner's District in which the same was included immediately prior to the passing of the Act, subject to any alteration of such division or district to be hereafter made.

Given under the Seal of Office of the Local Government Board, this
Thirtieth day of March, One thousand eight hundred and eighty-nine.

(L.S.)

CHAS. T. RITCHIE, President.

HUGH OWEN, Secretary.

COUNTIES OF YORK AND DURHAM.

Provisional Order made in pursuance of Section 54 of the Local Government Act, 1888.

*York and
Durham
Order.*

To the Justices of the Peace for the North Riding of the County of York,
in Quarter Sessions assembled; —

To the County Council for the Administrative County of that Riding; —

To the Justices of the Peace for the County of Durham, in Quarter Sessions
assembled; —

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Provisional Orders Confirmation (No. 3) Act, 1889.

A.D. 1889.

*York and
Durham
Order.*

To the County Council for the Administrative County of Durham ; —

To the Barnard Castle Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Barnard Castle, in the Administrative County of Durham ; —

To the Guardians of the Poor of the Teesdale Union, in the Administrative Counties of Durham and the North Riding of the County of York, being the Sanitary Authority for the Rural Sanitary District of that Union ; —

To the Overseers of the Poor of the Township of Startforth, in the said Teesdale Union ; —

And to all others whom it may concern.

WHEREAS by paragraph (a) of sub-section (1) of Section 46 of the Local Government Act, 1888 (which Act is herein-after referred to as "the Act"), it is enacted that the ridings of Yorkshire shall be separate administrative Counties ;

And whereas by sub-section (1) of Section 50 of the Act it is enacted that the first Council elected under the Act for any administrative County shall, subject as therein-after mentioned, be elected for the County at large, as bounded at the passing of the Act, for the purpose of the election of members to serve in Parliament for the County, but by paragraph (b) of that sub-section it is provided that where any Urban Sanitary District is situate partly within and partly without the boundary of such County, the District shall be deemed to be within that County which contains the largest portion of the population of the District according to the census of one thousand eight hundred and eighty-one ;

And whereas by sub-section (2) of Section 50 of the Act it is enacted that the County Council elected under the Act shall have, for the purposes of the Act, authority throughout the administrative County for which it is elected, and that the administrative County, as bounded for the purposes of the election, shall, subject to alterations made in manner therein-after mentioned, be for all the purposes of the Act the County of such County Council ;

And whereas by virtue of Section 54 of the Act, the Local Government Board are empowered to make an Order for the alteration of the boundary of any County, and the alteration of the boundary of any electoral division of a County ;

And whereas at the passing of the Act the Local Government District of Barnard Castle (herein-after referred to as "the District") was situate partly within the County of Durham and partly within the North Riding of the County of York, the part of the District situate in that riding comprising a portion of the Township of Startforth (herein-after referred to as "the Startforth part of the District") ;

And whereas by virtue of Sections 50 and 59 of the Act the Startforth part of the District is now within the County of Durham ;

And whereas the quarter sessions for the North Riding of the County of York, in determining the electoral divisions in the administrative County of that riding, formed an electoral division, termed the Startforth Electoral Division, which includes the portion of the Township of Startforth comprised in the Rural Sanitary District of the Teesdale Union ;

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And whereas by virtue of a Provisional Order of the Local Government Board dated the Twenty-ninth day of March, One thousand eight hundred and eighty-nine, and made under Section 270 of the Public Health Act, 1875, the Startforth part of the District will, on the Twenty-ninth day of September, One thousand eight hundred and eighty-nine, be included in the said Rural Sanitary District of the Teesdale Union :

A.D. 1889

—
*York and
Durham
Order.*
—

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 54 and 59 of the Act, and by any other enactments in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect : —

Art. I. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty-nine.

Art. II. The several terms in this Order shall have the same meanings respectively as are assigned to them by Section 100 of the Act.

Art. III. The boundary between the County of Durham and the North Riding of the County of York shall be altered so that the area comprised in the Startforth part of the District shall cease to be within the County of Durham, and shall form part of the North Riding.

Art. IV. Subject to the provisions of Section 54 of the Act, the area of the Startforth part of the District shall be included in the said Startforth Electoral Division, and the County Councillor elected by that electoral division who shall be in office at the date when this Order comes into operation shall be deemed to represent the said area as if it had been included in that electoral division at the date of his election.

Art. V. The area of the Startforth part of the District shall be included in the Petty Sessional Division and Coroner's District in which the same was included immediately prior to the passing of the Act, subject to any alteration of such division or district to be hereafter made.

Given under the Seal of Office of the Local Government Board, this
Thirtieth day of March, One thousand eight hundred and eighty-
nine.

(L.S.)

CHAS. T. RITCHIE, President.
HUGH OWEN, Secretary.

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