



CHAPTER clx.

An Act to enable the Ystrad Gas and Water Company to construct additional Waterworks to purchase additional lands for their Gas and Water Undertakings and for other purposes. A.D. 1890.
[4th August 1890.]

WHEREAS by the Ystrad Gas and Water Act 1868 (in this Act referred to as "the Act of 1868") the Ystrad Gas and Water Company (in this Act referred to as "the Company") were incorporated and authorised to construct waterworks and to supply gas and water within the limits by the said Act defined: 31 & 32 Vict.
cap. lvi.

And whereas by the Ystrad Gas and Water Order 1872 (in this Act referred to as "the Order of 1872") the Company were authorised to construct new gasworks and to supply gas within certain places beyond the limits for the supply of gas defined by the Act of 1868 and also to extend the limits defined by the Act of 1868 for the supply of water: Order 1872.

And whereas by the Ystrad Gas and Water Company's Gas Act 1874 (in this Act called "the Act of 1874") the period limited by the Order of 1872 for the construction of the new gasworks authorised by that Order was extended: 37 & 38 Vict.
cap. cxliv.

And whereas by the Ystrad Gas and Water Order 1879 the Company were authorised to raise additional capital and by the Ystrad Gas and Water Order 1883 to extend their limit for the supply of gas and to borrow further money: Orders of
1879 and
1883.

And whereas it is expedient that the Company be empowered to construct additional waterworks and obtain a further supply of water:

And whereas it is expedient that the Company be authorised to raise additional share and loan capital for the purposes of this Act and for the general purposes of their undertaking:

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And whereas it would tend to the better management of the affairs of the Company if the gas and water undertakings were kept separate with separate capital and accounts as by this Act provided :

And whereas it is expedient that provision be made for the transfer under certain circumstances of the undertaking of the Company to the Ystrad-y-fodwg Local Board on the terms hereinafter contained :

And whereas plans and sections showing the lines situations and levels of the waterworks authorised by this Act and the lands which may be taken under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Glamorgan and are hereinafter referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Ystrad Gas and Water Works Act 1890.

Incorporation of general Acts.

2. The following Acts :—

The Lands Clauses Acts :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing the reservoirs and works immediately connected therewith by this Act authorised and such portions of the aqueducts conduits or lines of pipes by this Act authorised as are to be made in tunnel) :

The Waterworks Clauses Acts 1847 and 1863 :

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act Provided that the Waterworks Clauses Act 1847 as incorporated in this Act and in the previous Acts and Orders of the Company shall be read and have effect as if the words "with the previous consent in writing of the owner or

“reputed owner of any such house or of the agent of such owner” A.D. 1890.
were omitted from the forty-fourth section thereof: And

The 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 means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against the shareholders;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

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 the Companies Clauses Act 1869 shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

3. In this Act terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings. And for the purposes of this Act the expression— Interpretation.

“Superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute:

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions “the railway” “the work” and “the centre of the railway” respectively mean the reservoirs and works

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immediately connected therewith and the said portions of the aqueducts conduits or lines of pipes and the boundaries thereof respectively.

Power to
construct
works.

4. Subject to the provisions of this Act the Company in the lines and situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain in the parish of Ystrad-y-fodwg in the county of Glamorgan the reservoirs aqueducts conduits lines of pipes byewash dams weirs pumping station and other works shown on the deposited plans among which are the following principal works (that is to say) :—

- (A) Reservoir (No. 1) to be constructed in the valley of the Rhondda Fawr River commencing at a point $5\frac{1}{2}$ chains or thereabouts measured along the course of the river in a southerly direction from the Company's dam or weir across the said river at Blaen Rhondda and terminating at a point in the same river $4\frac{1}{2}$ chains or thereabouts measured in a northerly direction along the course of the river from the said dam or weir ;
- (B) Reservoir (No. 2) to be constructed partly in the south-eastern portion of the field numbered 120 on the twenty-five inch Ordnance map and partly in the fields numbered 123 and 124 on the said Ordnance map at Treherbert ;
- (C) Reservoir (No. 3) to be constructed partly in the before-mentioned field numbered 123 on the twenty-five inch Ordnance map and partly in the field numbered 124 on the said Ordnance map at Treherbert aforesaid ;
- (D) A byewash or watercourse to be constructed in connexion with Reservoir (No. 1) before described commencing at a point in the Rhondda Fawr River 6 chains or thereabouts measured in a northerly direction along the bed of the river from the Company's dam or weir at Blaen Rhondda and terminating at a point in the said river $7\frac{1}{2}$ chains or thereabouts measured in a southerly direction along the bed of the river from the said dam or weir ;
- (E) An aqueduct conduit or line of pipes (No. 1) commencing at a point in the bed of the Rhondda Fawr River $3\frac{1}{2}$ chains or thereabouts measured in a southerly direction along the course of the river from the before-mentioned dam or weir and terminating at the north-eastern corner of the Reservoir (No. 2) before described ;

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- (F) An aqueduct conduit or line of pipes (No. 2) to extend from the said Reservoir (No. 2) to the Company's filter beds at Treherbert aforesaid in the field numbered 123 on the twenty-five inch Ordnance map ;
- (G) An aqueduct conduit or line of pipes (No. 3) to extend from Reservoir (No. 3) before described to the Company's filter beds at Treherbert aforesaid in the field numbered 124 on the twenty-five inch Ordnance map ;
- (H) A dam or weir across Nant-y-Selsig Brook at a point 8 chains or thereabouts measured along the said brook in a south-western direction from the north-western corner of the field numbered 261 on the twenty-five inch Ordnance map together with an aqueduct conduit or line of pipes (No. 4) commencing at the dam or weir last mentioned passing through Blaen-y-cwm and terminating in the north-eastern corner of the Reservoir (No. 2) ;
- (I) An aqueduct conduit or line of pipes (No. 5) commencing at the south-eastern corner of Reservoir (No. 2) before described and terminating in the Nant-Ystrad-Ffernol Brook at a point $2\frac{1}{4}$ chains or thereabouts measured in a northerly direction along the said brook from the south-western corner of the field numbered 165 on the twenty-five inch Ordnance map ;
- (J) An aqueduct conduit or line of pipes (No. 6) commencing at the south-eastern corner of the said Reservoir (No. 2) passing through Treherbert aforesaid and terminating in the Fforch Brook otherwise the Nant-Ynys-Feio Brook at a point 3 chains or thereabouts measured along the said brook in a south-easterly direction from the south-eastern corner of the field numbered 198 on the twenty-five inch Ordnance map ;
- (K) A pumping station situate 11 chains or thereabouts measured in a southerly direction to the east of the Taff Vale Railway Rhondda Branch from the Fernhill Collieries to the well known as the Graig Spring together with an aqueduct conduit or line of pipes (No. 9) to convey the water from the said well or Graig Spring to the Company's present filter beds at Treherbert aforesaid commencing at the said well and terminating at the said filter beds.

5. The Company in addition to the foregoing works may subject to the provisions of this Act and upon the lands shown on the deposited plans and described in the deposited books of reference make and maintain all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices byewashes weirs gauges filter

Power to
make subsi-
diary works.

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A.D. 1890. — beds wells tanks banks walls roads embankments approaches engines pumps machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any of them or for enabling the Company to impound collect and utilize the waters herein-after referred to as to be taken under the powers of this Act or for other purposes of the undertaking.

Power to
take lands
and waters.

6. Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as they require for the purposes of this Act and may by means of the works authorised by this Act take divert collect impound appropriate and use for the purposes of the undertaking all such springs streams and waters as may be intercepted by the works by this Act authorised or as may be found in or under any of the lands for the time being belonging to the Company or over or in respect of which they have or may acquire easements and also the following streams and waters or any of them (that is to say):—

Rhondda Fawr River Nant-y-Selsig Nant-Ystrad-Ffernol the Graig Spring now led from a point near Fernhill Collieries to the Company's present filter beds at Treherbert aforesaid and Fforch otherwise Nant-Ynys-Feio which flow into the Taff River.

Limits of
deviation.

7. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoirs three feet upwards and seven feet downwards and in the case of all other works to any extent not exceeding three feet upwards and ten feet downwards Provided that if it be found necessary or expedient in the construction of the reservoirs by this Act authorised to alter the situation of any embankment or weir they may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankments weirs reservoirs and works as shown with reference to the datum line to any extent not exceeding twenty feet but the Company shall not construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

8. Subject to the provisions and for the purposes of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use compulsorily or by agreement the following lands and interest in or reversion of lands shown upon the deposited plans and described in the deposited books of reference (that is to say):—

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Power to acquire additional lands.

Certain lands in the parish of Llantrissant now belonging or reputed to belong to Arthur Hanning Vaughan Lee and leased to the Pontypridd Tramway Company and in the occupation of Solomon Andrews situate to the eastward of and adjoining the Company's gas lands at Porth containing an area of 2,333 square yards or thereabouts;

Certain lands and buildings in the parish of Ystrad-y-fodwg adjoining the eastern side of the Company's gas lands at Ystrad now belonging or reputed to belong to the trustees of the will of the late Crawshay Bailey forming part of the fields in the occupation of Gwen Evans widow numbered 942 955 and 956 on the twenty-five inch Ordnance map;

Certain land in the last-mentioned parish belonging or reputed to belong to the Right Honourable the Earl of Dunraven upon which the pumping station and Graig Spring or well are situate together with certain land belonging or reputed to belong to the said Earl immediately surrounding the said pumping station and spring amounting in the whole to 800 square yards or thereabouts;

The fee reversion or other outstanding interest in the lands now occupied by the Company and on which their gasworks at Porth and Ystrad are respectively situate.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing thereof.

Period for compulsory purchase of lands.

10. And whereas in the construction of the works hereby authorised it may happen that a portion only of the lands and buildings shown on the deposited plans and numbered 1 in the parish of Llantrissant may be sufficient for the purposes of the same and that such portion may be severed from the remainder of the said property without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the said lands and buildings whereof part only is required for the purposes of this Act may if such portion can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be

Owners may be required to sell parts only of certain lands and buildings.

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Period for completion of works.

11. If the works authorised by this Act be not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending their works mains and pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their existing limits of supply.

Power to take easements &c. by agreement.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Purchase of lands by agreement.

13. In addition to any other lands which the Company are under the former Acts and this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands not exceeding in the whole twenty acres in extent or any term interest or easement (not being an easement of water) in any such lands Provided that the Company shall not create or permit any nuisance on any such lands and that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking of the Company.

Sale of superfluous lands.

14. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the

Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

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15.—(1) Nothing in this Act or in the Acts incorporated therewith contained shall lessen or affect the duties and liabilities imposed upon the Company by sections 49 and 50 of the Act of 1868 nor prejudice or affect any or either of the powers privileges rights and conveniences of the Earl of Dunraven his heirs or assigns (in this Act together referred to as “the Earl”) or any of his lessees or tenants of the Blaen Rhondda and Ystrad-Ffernol farms conferred by or referred to in those sections or any of them.

Saving for the Earl of Dunraven and his lessees and tenants of certain farms.

(2) Before exercising any of the powers of this Act in regard to the Reservoir No. 1 herein-before described the Company shall at their own expense and to the reasonable satisfaction of the Earl and the London and South Wales Coal Company Limited his lessees of the Blaen Rhondda Colliery their successors and assigns (herein-after referred to as “the lessees”) construct lay down and thenceforth maintain upon lands of the said Earl pipes sufficient at all times to carry away and which shall carry away all pit water from each of the two colliery levels now in work of the Blaen Rhondda Colliery so as to prevent such pit water from entering the proposed Reservoir No. 1 when constructed.

As to pit water from Blaen Rhondda Colliery.

(3) Notwithstanding anything in this Act contained the Earl and the lessees or either of them shall be at liberty to complete the tramway now in course of construction from the new or north-eastern level of the Blaen Rhondda Colliery across the site of the intended Reservoir No. 1 to the existing tramway from the old or north-western level of the same colliery to the Blaen Rhondda pits and to maintain and use such tramway when completed until the Company shall at their own expense and to the reasonable satisfaction in all respects of the Earl and the lessees have completed a tramway from the said new or north-eastern level along the eastern side of the said Reservoir No. 1 and across the embankment at the southern end thereof to a junction with the existing tramway from the said old level and shall have delivered such substituted tramway to the Earl or the lessees fit for use in every respect and then the portion of tramway for which the same is substituted may be removed and the site thereof appropriated by the Company.

Company may provide substituted tramway for Blaen Rhondda Colliery.

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As to main-
tenance &c.
of substituted
tramway.

(4) So much of such substituted tramway as shall cross the said embankment shall be and remain the property of the Company and shall be at all times maintained by them in good repair and working order but the Earl and the lessees shall have free of cost the perpetual right in common with the Company to use the same. The rest of such substituted tramway shall be and remain the property of the Earl and be maintained by him or the lessees.

For the pro-
tection of the
owners &c.
of the Ffor-
chorchwy
Estate and
of the
minerals
thereunder.

16. For the protection of the owners for the time being of the estate in the parish of Ystrad-y-fodwg in the county of Glamorgan known as the Fforchorchwy Estate and of the minerals thereunder the following provisions shall have effect (that is to say) :—

(1) Notwithstanding the power by this Act given to the Company to divert and take the water of the Fforch Brook otherwise the Nant-Ynys-Feio Brook the Company shall at no time divert or take water from the said brook so as to reduce the flow in its passage along the Fforchorchwy Estate as well above as below the said termination of the aqueduct conduit or line of pipes (No. 6) by this Act authorised of such a quantity of water as shall from time to time be necessary for the efficient winning working converting and manufacturing of the minerals under the said estate and for all the uses and purposes of the said estate and the tenants thereof and it shall be lawful for the owners for the time being of the said estate and their respective lessees and tenants to take and use such water accordingly but this provision shall not authorise the taking or using of such water for the purpose of working any water-wheel or low pressure steam engine ;

(2) The Company shall construct and maintain in some convenient situation on the said estate (to be agreed on between the Company and the owners or in default of agreement to be settled as herein-after prescribed) either on the said brook below the said point at which the Company take the waters of the said brook (in this section referred to as "the intake") or adjoining thereto but separated therefrom and below the intake a suitable place for sheep-washing and at which the owners and their lessees and tenants may wash the sheep depastured on the said estate ;

(3) If the said washing-place be not situate on the said brook then in order that the same may be supplied with water sufficient for the purpose thereof the Company shall construct and maintain an aqueduct commencing in and out of the said

brook at or above the intake and terminating in the said washing-place and an outfall channel therefrom to the said brook at some point below the intake ;

- (4) If any person entitled and intending to use the washing-place shall give two clear days notice in writing in that behalf by leaving the same either at the office of the Company or at the office of the local board if and when they shall have purchased the undertaking the Company or the local board as the case may be shall once in every year at the expiration of the said notice close and keep closed the intake for such time as may be requisite for the sheep-washing not exceeding six continuous and entire days and shall if the said washing-place be not constructed on the said brook keep the sluice at the commencement of the said aqueduct open during such period ;
- (5) If any difference arise between the Company or the local board as the case may be on the one hand and the owners or their lessees or tenants on the other hand under the provisions of this section such difference shall be settled by a hydraulic engineer to be appointed (unless agreed on between the parties) by the President of the Institute of Civil Engineers on the application of any of the parties in difference and his decision shall be conclusive and binding on the parties and the costs of the arbitration shall be borne as he shall direct ;
- (6) The provisions of this section shall be deemed to be in full compensation under the Waterworks Clauses Act 1847 and otherwise to the owners lessees and tenants of the said estate and minerals in respect of their right of using the streams and waters which the Company are by this Act authorised to take and for all damage they may sustain by reason of the exercise of the powers of the Company with respect to the said streams and waters.

17. For the protection of the Rhondda and Swansea Bay Railway Company (herein-after referred to as "the railway company") the following provisions shall unless otherwise agreed between the Company and the railway company apply (that is to say) :—

For protection of the Rhondda and Swansea Bay Railway Company.

- (A) In constructing laying down altering improving enlarging extending or renewing or in executing or effecting the repairs of the aqueduct conduit or line of pipes No. 4 by this Act authorised or any other mains pipes culverts or other works in the exercise of any powers by this Act conferred on the Company upon across over under or in any way affecting the railways lands and property now belonging to or occupied by the railway

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company or the bridges and approaches across the railways of the railway company now constructed or authorised the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the railway company and only according to such plans and in such manner as shall be previously submitted to and as shall be reasonably approved by him in writing ;

- (B) All such works shall be done by or at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the railway company's engineer and shall keep in good repair for three months thereafter and such further time not exceeding twelve months as the soil shall continue to subside the road belonging or reputed to belong to the railway company numbered 50a on the deposited plans in the parish of Ystrad-y-fodwg and any roads under or over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company ;
- (C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges approaches works lands or property and so as not to cause any interruption to the passage or conduct of traffic over such railways or at or to or from any station thereon ;
- (D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the works operations and matters aforesaid or to the bursting leakage or failure of any such mains pipes culverts or works in under or near to any works or property of the railway company the Company shall make compensation to the railway company in respect of such injury the amount of such compensation to be determined by arbitration in the manner herein-after provided ;
- (E) The Company shall also indemnify the railway company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on the railway or by reason of any accident on the railway which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors or their respective servants or workmen ;
- (F) The Company shall acquire only such an easement in across over or under any of the property of the railway company as may be necessary for constructing and maintaining the aqueduct conduit or line of pipes No. 4 and shall pay to the

railway company for any easement so acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands ;

(G) If the railway company at any time or times hereafter require to construct any additional or other works upon their lands or railways as now existing or to alter or repair their railways bridges or works upon across over or under or near to which any of the works of the Company may have been constructed or laid the railway company may on giving to the Company fourteen days notice or in case of emergency as long notice as may be practicable in writing under the hand of their secretary for the time being divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect thereof and the Company shall at their own expense shore up or support their mains pipes sewers culverts or other works which may be interfered with during the alteration or repair of any bridges of the railway company and failing their doing so the railway company may do so at the expense of the Company ;

(H) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or with reference to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the Board of Trade on the application of the railway company and the Company or either of them and the decision of such arbitrator shall be final and the costs of such arbitration shall be in the discretion of the arbitrator.

18. The Company shall be responsible for and shall fully indemnify the Taff Vale Railway Company from and against all damage loss or injury which may be occasioned to that Company or their railway works or property or to the public using the same by reason of the failure or bursting from any cause whatever other than the act of God of the reservoirs by this Act authorised.

For the protection of
the Taff
Vale Railway
Company.

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Future charges for supply of water to be based on rateable value.

19. From and after the twenty-fifth day of December one thousand eight hundred and ninety the maximum charges for a supply of water for domestic purposes specified in section 58 of the Act of 1868 shall cease to be charged upon or in respect of the rackrent or annual value of the respective premises supplied and shall thenceforth be charged upon or in respect of the rateable value of such premises respectively appearing in the rate-book. In order that the charges upon rateable value may be respectively equal or as nearly as possible equal to the charges upon or in respect of rackrent or annual value prescribed by the Act of 1868 an actuary or accountant shall be appointed by the Company and the local board or in case of difference by the Local Government Board to frame a scale of increased charges upon rateable value which shall be respectively equivalent in amount to the several charges upon rackrent specified in the said Act and the Company shall thereafter charge according to such scale.

Restriction on taking houses of labouring class.

20. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others (except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power for Company to raise further capital.

21. The Company from time to time may (subject to the provisions of Part II. of the Companies Clauses Act 1863) raise for the purposes of this Act and for the general purposes of their undertaking any additional sum or sums of money not exceeding in the whole seventy thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until the full nominal amount of

such share or stock if such share or stock shall be issued at or above par together with any premium obtained upon the sale thereof shall have been paid in respect thereof. 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 premiums which may be obtained on the sale thereof the sum of seventy thousand pounds.

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22. Subject to the provisions of this Act any capital in new shares or stock 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 that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall subject to the provisions of this Act form part of the capital of the Company :

Incidents of
shares or
stock.

Provided that 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 expressly provided by the resolution creating the same.

23. Subject to the provisions of this Act every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on
new shares
or stock.

24. The Company shall not out of the profits of their undertaking in respect of any one year make any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which may have fallen short of the said sum of seven pounds per centum per annum. Provided always that the increase or diminution of dividend provided by section 20 of the Order of 1879 shall apply to so much of the additional capital by

Limit of
dividends on
new shares
and stock.

A.D. 1890. this Act authorised as shall be appropriated for the purposes of the gas undertaking of the Company.

Dividends on different classes of shares or stock to be paid rateably.

25. In case in any year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate deduction shall be made in the dividend of each class of such capital.

Receipt in case of persons not sui juris.

26. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

New shares or stock to be offered by auction or tender.

27. Notwithstanding anything in this Act contained the Company shall when any new shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Time for paying up shares or stock sold by auction.

28. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale &c. of shares or stock.

29. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the Ystrad-y-fodwg Local Board and to the secretary of the committee 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 notice of such intention shall be advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said local board district. A.D. 1890.

30. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock forming part of the additional capital by this Act authorised. Shares or stock not sold by auction or by tender to be offered to shareholders.

31. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend. Application of premium arising on issue of shares or stock.

32. The Company may in respect of the additional capital of seventy thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time of such borrowing issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. Power to borrow.

A.D. 1890.

For appoint-
ment of a
receiver.

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

Debenture
stock.

34. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in the former Acts contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the former Acts or any of them and this and any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be given on all mortgages and certificates of debenture stock.

As to con-
version of
borrowed
money into
capital.

35. The Company shall not have power to raise by the creation of shares or stock instead of by borrowing the money by this Act authorised to be borrowed on mortgage or by debenture stock or any part thereof or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to priority
of mortgages
and debenture
stock.

36. 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 in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividend on their mortgages or debenture stock.

37. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only for the purposes of this Act and the general purposes of the undertaking of the Company being in all cases purposes to which capital is properly applicable.

A.D. 1890.
Application
of moneys
raised under
this Act.

38. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Fraudulently
injuring
meters &c.

39. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing shall be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Repair of
meters.

40. The register of the meter shall be primâ facie evidence of the quantity of water consumed in respect of which any water rent is charged and sought to be recovered by the Company Provided always that if the Company and the consumer differ as to the quantity consumed such difference may be determined upon the application of either party by two justices who may also order by which of the parties the costs of the proceedings before them

Register of
meter to be
primâ facie
evidence.

A.D. 1890. shall be paid and the decision of the justices shall be final and binding on all parties.

Power to remove meters and fittings.

41. Any officer of or person authorised by the Company after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal and every notice required by this section shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business in England or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry then by being affixed on some conspicuous part of such building or lands.

Power for Company to supply materials &c.

42. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil pans and water closets apparatus receptacles fittings and appliances as are required in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Entry on premises to cut off supply in certain cases.

43. In the cases in which the Company are authorised to cut off the communication pipe to or turn off water from any premises the Company their agent or workmen (after giving notice to the owner or occupier in manner by this Act provided for the giving of notices by the Company) may with the consent in writing of a justice under his hand enter into such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water shall be supplied to such premises.

Company not bound to supply several houses by one pipe.

44. The Company shall not be bound to supply more than one house by means of the same pipe nor one house by means of more than one pipe.

45. A notice to the Company by any consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Company.

A.D. 1890.

Notice of discontinuance.

46. Subject to the provisions of this Act the Company may from time to time enter into and fulfil contracts and arrangements with any sanitary highway or other local authority with respect to the supply of water in bulk within the Company's limits of supply and every such contract and arrangement may be on such terms and conditions as the Company think fit and the Company may by agreement vary suspend or rescind any such contracts or arrangements and make others in lieu thereof and in addition thereto Provided always that the Company shall not supply water in bulk for other than domestic purposes if and so long as the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes.

Supply of water in bulk.

Domestic supply not to be interfered with.

47. The Company shall keep separate accounts of the receipts and expenditure of capital and revenue respectively in relation to their gasworks and waterworks.

Providing for separate accounts for gas and water.

48. If the Ystrad-y-fodwg Local Board (herein-after called "the local board") shall within six months after the passing of this Act and with the consent of the Local Government Board by giving one month's previous notice in writing under their common seal addressed and delivered to the secretary of the Company at his office require the Company to sell their undertaking to the local board the Company shall thereupon sell and the local board shall purchase the undertaking in accordance with the memorandum of terms of purchase set out in the schedule to this Act.

Company to sell undertaking on requisition of local board.

49. The sale and purchase of the undertaking shall be carried into effect and completed by a deed of conveyance under the respective common seals of the Company and the local board in which the purchase money shall be truly stated and such deed of conveyance shall be duly stamped and from and after the completion of the purchase all the powers rights privileges and authorities of the Company shall be by virtue of this Act transferred to and vested in the local board and shall be exercised by the local board as purposes of the Public Health Act 1875 and the recited Acts and Orders and this Act shall be read and have effect as if the local board had been named therein instead of the Company subject nevertheless to all the provisions conditions and

Providing for completion of sale and purchase and transfer of powers &c. to local board.

A.D. 1890. — restrictions contained therein and also subject and according to the following exceptions and provisions:—

1. The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with the said Acts and Orders and this Act shall not apply to the local board ;
2. None of the provisions of such Acts and Orders or this Act in any manner relating to the share capital of the Company or to any limitation of the amount to be received by the Company or to the constitution meetings or directors of the Company shall apply to the local board :

Provided always that the deed of conveyance of the undertaking duly stamped as aforesaid shall within three months from the vesting in the local board be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the local board with full costs of suit and all costs and charges attending the same.

Receipt of directors of Company for purchase money.

50. The receipt in writing of three of the directors of the Company for the purchase money to be paid by the local board shall effectually discharge the local board from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Division of purchase money.

51. The purchase money to be paid by the local board shall be paid by them into such bank as the directors for the time being of the Company shall appoint and to the account of the Company and shall be applied by the directors in the manner following:—

First In discharging all outstanding debts and liabilities of the Company other than moneys due and owing by the Company on mortgage bond or other charge on the undertaking of the Company ;

Secondly In making a fair rateable division of the residue thereof amongst the holders of the stock and shares of the Company in proportion to their respective interests in the undertaking of the Company.

Providing for dissolution of the Company.

52. When and so soon as the said purchase money shall have been appropriated and divided in manner herein-before directed the Company shall be by virtue of this Act dissolved.

53. For the purpose of providing the purchase money and costs payable to the Company under this Act and for the redemption and discharge of the debenture debt of the Company and for extensions and other purposes of the undertaking to which capital is properly applicable and for carrying into effect the purposes of this Act or otherwise for the purposes of the undertaking the local board may from time to time with the sanction of the Local Government Board borrow such sums as they may find necessary.

A.D. 1890.
 —
 Power of local board to borrow.

54. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the local board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Regulations of Public Health Act as to borrowing not to apply.

55. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Application of provisions of Public Health Act as to mortgages.

Section 236. Form of mortgage.

Section 237. Register of mortgages.

Section 238. Transfer of mortgages.

Section 239. Receiver may be appointed in certain cases.

56. If the local board pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the local board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Power to re-borrow.

57. The local board at and after the expiration of one year after they purchase the undertaking of the Company shall out of the revenue of the undertaking and out of the district fund and general district rate discharge or make provision by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other for the discharge or redemption within any period sanctioned by the Local Government Board not exceeding a period of 50 years from the date of the purchase of the moneys borrowed by the local board for the purchase or purposes of the undertaking

Discharge of borrowed moneys.

A.D. 1890. — and of the debenture debt of the Company taken over by the local board as set forth in the schedule to this Act annexed.

Regulations
as to sinking
fund.

58. The following regulations shall be observed by the local board in relation to any sinking fund formed under this Act :—

- (1) Such equal yearly or half-yearly sums shall be paid by the local board out of the revenue fund or rate aforesaid into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off and redeem the moneys for the discharge and redemption of which the fund is created within such period not exceeding the prescribed period as the local board may in each case determine with power for the local board from time to time to increase such payments into the sinking fund so as to accelerate the payment off and redemption and discharge of such moneys ;
- (2) All sums paid into the sinking fund shall be as soon as may be invested by the local board in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the local board and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and invested by the local board in like manner ;
- (3) The local board may at any time apply the whole or any part of any sinking fund created under this Act in or towards the discharge or redemption of the moneys or debenture debt or any part of the moneys or debenture debt for the discharge or redemption of which the fund was created ;
- (4) Whenever any principal moneys have been so paid off or redeemed the local board shall thenceforward until the whole of such principal moneys have been paid off or redeemed pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based ;
- (5) Whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the local board

may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

A.D. 1890.

59. The treasurer of the local board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that board in the same manner as penalties recoverable under the Public Health Act in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the local board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Annual re-
turn to Local
Government
Board with
respect to
sinking fund.

60. 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 in the first instance but shall be repaid by the local board when they purchase the undertaking.

Costs of Act.

A.D. 1890.

The SCHEDULE referred to in the foregoing Act.

MEMORANDUM OF TERMS OF PURCHASE BY LOCAL BOARD.

1. The local board to have the option of purchasing the undertaking lands property powers rights and privileges of the gas and water company existing at the time of the notice herein-after mentioned within six months from the passing of the foregoing Act upon giving one month's notice in writing upon the following terms and conditions viz. :—

Price to be fixed by agreement or failing agreement by arbitration in the manner provided by the Public Health Act 1875.

2. In case of arbitration the price is to be ascertained on the following bases namely :—

(A) On the net amount of profits actually earned by the Company for the five years preceding the passing of the foregoing Act and the local board are not to plead insufficiency of supply but for the purposes of the arbitration it is agreed that the Company have fairly met the demands of the district ;

(B) The arbitrator by his award is not to award an enhanced value to the undertaking by reason of the passing of the foregoing Act but the actual cost of any new works executed with interest thereon at five per cent. per annum is to be paid by the local board ;

(C) The local board (in the event of their purchasing as aforesaid the undertaking) are to pay to the Company their reasonable costs in obtaining the said Act and in the event of failure to agree such costs to be taxed.

3. No new works (except the construction of two filter beds and the works of and incidental to the laying of a new fifteen-inch cast-iron pipe from the Company's weir on the Rhondda to the filter beds at Pynywaun) are during the aforesaid six months to be executed by the Company without the previous consent of the local board.

4. The Company is to pay all its debts and liabilities excluding its debentures up to date of purchase and to maintain and uphold their undertaking and all works in a good state of efficiency and repair until the same are delivered over to the local board.

5. The local board to take over the debentures of the Company.

6. The purchase is to be deemed a compulsory purchase but the arbitrator in making his award is not to award a sum on this head exceeding £10 per centum.

Dated this 20th day of March 1890.

WALTER H. MORGAN

For the Local Board.

ARTHUR P. JAMES

For the Company.

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