

**CHAPTER cxlii.**

An Act to confer further powers on the Lancashire Derbyshire and East Coast Railway Company. A.D. 1900.

[30th July 1900.]

**W**HEREAS by the Lancashire Derbyshire and East Coast Railway Act 1891 (hereinafter called "the Act of 1891") the Lancashire Derbyshire and East Coast Railway Company (hereinafter called "the Company") were incorporated and authorised to construct a railway from Warrington in Lancashire to Sutton-on-Sea in Lincolnshire and to acquire the undertaking of the Newark and Ollerton Railway Company:

And whereas by the Lancashire Derbyshire and East Coast Railway Act 1892 (hereinafter called "the Act of 1892") the Company were authorised to construct branch railways and other works and to acquire the undertaking of the North Sea Fisheries (East Lincolnshire) Harbour and Dock Company:

And whereas by the Lancashire Derbyshire and East Coast Railway Acts 1893 and 1894 (hereinafter respectively referred to as "the Act of 1893" and "the Act of 1894") the Company were authorised to divert and alter the line and levels of portions of their railway authorised by the Act of 1891 and to exercise the other powers in those Acts mentioned:

And whereas by the Lancashire Derbyshire and East Coast Railway Act 1895 (hereinafter called "the Act of 1895") the Company were authorised to constitute their railways between Chesterfield and Lincoln a separate undertaking to abandon so much of their authorised railways as was intended to be situate westward of Chesterfield and extend the time for the purchase of land and constructing the railways and works between the city of Lincoln and the East Coast:

And whereas by the Lancashire Derbyshire and East Coast Railway Act 1896 (hereinafter called "the Act of 1896") the Company were authorised to construct certain branch railways and to acquire additional lands:



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And whereas by the Lancashire Derbyshire and East Coast Railway Act 1897 (hereinafter called "the Act of 1897") the Company were empowered to construct certain branch railways acquire additional lands and raise additional capital in connexion with their Chesterfield and Lincoln separate undertaking and to reduce their general capital and borrowing powers:

And whereas by the Lancashire Derbyshire and East Coast Railway Act 1898 (hereinafter called "the Act of 1898") the Company were authorised to abandon certain branch railways to substitute other branch railways to acquire maintain and manage hotels and refreshment rooms and to enter into agreements in relation thereto:

And whereas it is expedient that the Company should have power to divert the road and acquire the additional lands in this Act described and that the time limited for disposing of certain superfluous land should be extended:

And whereas it is expedient that the Company should have power to raise further capital for the purposes of this Act and other purposes of their undertaking:

And whereas the holders of upwards of three-fourths of the amount of each class of preference shares and preference stock in the Company have consented to such further capital being raised on mortgage or by the creation and issue of debenture stock as by this Act provided:

And whereas it is expedient that the Company should abandon certain unconstructed branch railways and that the other powers contained in this Act should be conferred on the Company:

And whereas plans and sections showing the line and levels of the road diversion authorised by this Act such plans also showing the additional lands which may be taken for the purposes or under the powers of this Act with books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerks of the peace for the counties of Nottingham and Derby respectively 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:—

1. This Act may be cited as the Lancashire Derbyshire and East Coast Railway Act 1900. A.D. 1900.

2. The following Acts and parts of Acts are (so far as the same are applicable and except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act (that is to say):— Short title.  
Incorporation of Acts.

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845;

Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863; and

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

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

4. Subject to the provisions of this Act the Company may in the line and according to the levels shown on the deposited plans and sections make and maintain the new or diverted road hereinafter described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose (that is to say):— Diversion of road &c.

A diversion of the public road known as Hassoehy Lane in the parish of Temple Normanton in the county of Derby such diversion commencing at the north-east corner of the Hill Farm buildings thence extending for a distance of nine chains or thereabouts measuring in a north-easterly direction along the said road and there terminating by a junction with the same road or lane.

5. The Company may in constructing the road diversion by this Act authorised deviate from the line thereof to the extent of the limits of deviation marked on the deposited plans and may also deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet. Power to deviate in construction of road diversion.

6. The Company shall not stop up any portion of the road by this Act authorised to be diverted until they shall have completed to the satisfaction of two justices and opened to the public the new or substituted road by this Act authorised. Provided that before applying to the justices for their certificate the Company shall give seven days notice in writing of their intention to apply for the same to the road authority of the district in which such road is situate. Existing road not to be stopped up until new road completed.



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Provision  
for repair of  
new road.

7. The road diversion to be made under the authority of this Act shall after completion be repaired and maintained by the same authority in the same manner and to the same extent as the portion of road for which it is substituted was previous to being stopped up liable to be repaired or maintained.

Vesting site  
of road  
stopped up  
in Company  
free from  
rights of  
way &c.

8. When and so soon as the portion of the existing road is stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up so far as the same is bounded on both sides by lands of the Company.

Power to  
acquire  
additional  
lands.

9. Subject to the provisions of this Act the Company may in addition to the other lands which they are by this Act authorised to acquire from time to time enter upon purchase take hold use and appropriate for stations workshops colliery sidings and other accommodation connected with their Chesterfield and Lincoln separate undertaking the lands herein-after described or referred to so far as the same are delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

(A) A strip of land in the parish of Wigsley in the county of Nottingham abutting upon the east side of the public road called Thorney Road and situate between the Company's railway and the stream forming the boundary between the parishes of Thorney and Wigsley such strip of land extending for a distance of eighteen chains or thereabouts from the east side of Thorney Road :

(B) A piece of land in the parish of Elmtun in the county of Derby situate on the west side of and adjoining the Company's Beighton Branch Railway such piece of land being bounded on the north by the public road called Wood Lane and extending on or along the west side of the said branch railway for a distance of eighteen chains or thereabouts in a southerly direction from Wood Lane :

(C) A piece of land in the said parish of Elmtun situate on the east side of and abutting upon the Company's Beighton Branch Railway and on the south side of and adjoining the public road called Wood Lane and extending for a distance of one and a half chains or thereabouts in a southerly direction :

(D) A piece of land in the parish of Warsop in the county of Nottingham situate on the northern side of and abutting upon



the Company's main line of railway thirty chains or thereabouts measuring in a westerly direction along the railway from the centre of the bridge carrying the same over the Warsop Main Colliery Branch Railway and extending along the said main line for a distance of two and a half chains or thereabouts.

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**10.** All rights of way over any of the lands which shall under the compulsory powers of this Act be purchased or acquired by the Company or over or along any roads or footpaths or portions thereof which shall under the provisions of this Act be diverted stopped up and discontinued shall be and the same are as from the acquisition diversion or stopping up thereof respectively by this Act extinguished.

Extinguishment of rights of way.

**11.** 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 right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in under 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.

Power to take easements &c. by agreement.

**12.** 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 of this Act.

Period for compulsory purchase of lands.

**13.—(1)** The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses in any such area as aforesaid which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

**(2)** If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds



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in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "labouring class" means 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 The expression "house" means any tenement separately occupied by any person or persons.

Extending  
time for deal-  
ing with  
superfluous  
lands.

14. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with the railways or situate in the parishes described or mentioned in the schedule to this Act as the case may be are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act.

Period for  
completion  
of works.

15. If the works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Works to  
form part of  
undertaking  
of Company.

16. The works executed under the authority of this Act shall for all purposes whatsoever be part of the undertaking of the Company and be comprised in their Chesterfield and Lincoln separate undertaking.

Power to  
apply funds.

17. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or have power to raise for the purposes of the Chesterfield and Lincoln separate undertaking.

Additional  
debenture  
stock.

18. Subject to the provisions of this Act and of Part III. so far as applicable of the Companies Clauses Act 1863 the Company



may raise by borrowing on mortgage or by the creation and issue of debenture stock or partly by mortgage and partly by debenture stock any sums not exceeding two hundred and fifty thousand pounds to be charged on the Chesterfield and Lincoln separate undertaking and such mortgages and debenture stock shall bear interest at such rate not exceeding four per centum per annum payable half-yearly on the nominal amount thereof respectively as shall be attached thereto on the granting or issue thereof.

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**19.** Any debenture stock created by the authority of this Act shall not be redeemable and all sums raised under the immediately preceding section whether by mortgage or debenture stock and the interest thereon shall rank next after the existing permanent debenture stock charged upon the said separate undertaking and the interest thereon and in priority to all preference and other shares or stock in the said separate undertaking and the dividends thereon.

Priority of mortgages and debenture stock.

**20.** The mortgages or new debenture stock as the case may be or the money to be raised thereby shall be applicable and applied to the following purposes or some of them or some part or parts thereof respectively in the following order:—

Application of proceeds of mortgages and debenture stock.

- (1) In redeeming and extinguishing the existing one hundred thousand pounds of redeemable debenture stock created and issued under the authority of the Act of 1898 upon the terms agreed upon on the issue thereof or as may be agreed between the holders of such stock and the Company;
- (2) In payment of additional rolling stock and plant;
- (3) In payment of the cost of completing the branch railways now in course of construction and of the land and works authorised by this Act;
- (4) The balance to be applied to the general purposes of the separate undertaking of the Company to which capital is properly applicable:

Provided that if the holder of any portion of the existing redeemable debenture stock objects to his stock being redeemed before the expiration of the period fixed at the time of issue thereof for redeeming the same the directors shall retain and set apart a sufficient amount of the mortgages or new debenture stock authorised by this Act or money raised thereby to redeem such portion of stock and pay the premium agreed to be paid thereon.

**21.** Trustees executors and other parties empowered by section 7 of the Lands Clauses Consolidation Act 1845 to sell and convey or release lands and who may hold or be entitled to or interested in

Power to trustees and others.



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any debenture stock to be redeemed under the provisions of this Act or other security of the Company are hereby authorised to exchange such redeemable debenture stock for mortgages or debenture stock of a like amount to be granted or issued under the authority of this Act or to purchase accept and hold any additional amount of such last-mentioned mortgages or debenture stock and such trustees executors and other persons are hereby indemnified for all consents and acts bonâ fide done by them in pursuance of the provisions of this Act.

Extending time for purchase of land for Mansfield Branch Railway.

**22.** The powers granted to the Company by the Act of 1897 for the compulsory purchase of lands for the purposes of the Mansfield Branch Railway (B) fifthly described in that Act are hereby extended and may be exercised by the Company for and during a period of two years from and after the third day of June one thousand nine hundred and on the expiration of that period those powers shall cease.

Extending time for purchase of land for Wingerworth Branch Railway.

**23.** The powers granted to the Company by the Act of 1898 for the compulsory purchase of lands for the purposes of the Wingerworth Branch Railway firstly described in that Act are hereby extended and may be exercised by the Company for and during a period of two years from the twelfth day of August one thousand nine hundred and one and on the expiration of that period those powers shall cease.

Extending time for completion of Mansfield Branch Railway.

**24.** The time limited by the Act of 1897 for the completion and opening of the Mansfield Branch Railway (B) authorised by that Act is hereby extended for a period of three years from the third day of June one thousand nine hundred and two and that period shall for the purposes of sections 12 and 13 of the Act of 1897 be deemed to be the period limited by that Act for the completion and opening of the said Mansfield Branch Railway thereby authorised.

Extending time for completion of Wingerworth Branch Railway.

**25.** The time limited by the Act of 1898 for the completion and opening of the Wingerworth Branch Railway authorised by that Act is hereby extended for a period of three years from the twelfth day of August one thousand nine hundred and three and that period shall be deemed to be the period limited by that Act for the completion and opening of the said Wingerworth Branch Railway.

Abandonment of certain railways.

**26.** The Company shall abandon the construction of the following railways and portions of railways (that is to say):—

(A) So much of Railway No. 12 described in and authorised by the Lancashire Derbyshire and East Coast Railway Act 1891 as has not been constructed being the junction at



Beighton with the Great Central (formerly the Manchester Sheffield and Lincolnshire) Railway and the whole of Railway No. 13 described in and authorised by the same Act: A.D. 1900.

(B) The unabandoned portion of the Newark and Ollerton Railway which railway was authorised by the Newark and Ollerton Railway Act 1887 and vested in the Company by the Lancashire Derbyshire and East Coast Railway Act 1891:

(c) The Temple Normanton and Grassmoor Branch Railways (B) and (c) and the Eckington and Renishaw Branch Railway (A) respectively described in and authorised by the Lancashire Derbyshire and East Coast Railway Act 1897.

**27.** The abandonment by the Company under the authority of this Act of any railway or portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or in the said Acts of 1887 1891 and 1897. Compensation for damage to land by entry &c. for purposes of portions of railway abandoned.

**28.** Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof. Compensation to be made in respect of portions of railway abandoned.

**29.** Subject to the provisions of section 35 of the Newark and Ollerton Railway Act 1887 relating to compensation to landowners and other persons injured and for protection of creditors the High Release of remaining portion of deposit under



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—  
Newark and  
Ollerton  
Railway Act  
1887.

Court may and shall at any time after the passing of this Act on application by the depositors referred to in section 34 of the said Act of 1887 order that a sum of six thousand one hundred and seventy-four pounds and ten shillings two and three-quarters per centum consolidated stock (being the proportion and balance of the deposit fund referred to in section 34 of the said Act of 1887 applicable to the portion of the Newark and Ollerton Railway abandoned by this Act) and the interest or dividends thereon be transferred and paid to the depositors or as they may direct and upon such order being made the said sum and the interest or dividends thereon shall be transferred and paid accordingly.

Release of  
proportion of  
deposit  
applicable  
to railways  
abandoned  
by this Act.

**30.** Subject to the provisions of section 13 of the Act of 1897 relating to compensation to landowners and other persons injured and to protection of creditors the High Court may and shall at any time after the passing of this Act on application by the depositors referred to in section 12 of the Act of 1897 order the sum of one thousand seven hundred and forty-nine pounds four shillings (being the proportion of the deposit fund of seven thousand four hundred and ninety pounds thirteen shillings referred to in the said section applicable to the Temple Normanton and Grassmoor Branch Railways (B) and (C) and the Eckington and Renishaw Branch Railway (A) authorised by the Act of 1897 and abandoned by this Act) and the interest or dividends thereon to be transferred and paid to the depositors or as they shall direct and upon such order being made the before-mentioned proportion of the said deposit fund and the interest and dividends thereon shall be transferred and paid accordingly.

Release of  
portions of  
deposit funds  
applicable to  
railways  
abandoned  
by Act of  
1898.

**31.** Subject to the provisions of section 16 of the Act of 1896 and of section 13 of the Act of 1897 relating to compensation to landowners and other persons injured and to protection of creditors the High Court may and shall at any time after the passing of this Act on the application of the depositors referred to in section 15 of the Act of 1896 and in section 12 of the Act of 1897 respectively order the deposit fund of one thousand one hundred and seventy-three pounds fifteen shillings referred to in the said section 15 applicable to the Shirebrook Branch Railway (A) and (B) authorised by the Act of 1896 and abandoned by the Act of 1898 and also the sum of one thousand and twenty-seven pounds five shillings being the proportion of the deposit fund of seven thousand four hundred and ninety pounds thirteen shillings referred to in the said section 12 applicable to so much of the Temple Normanton and Grassmoor Branch Railway (A) authorised by the Act of 1897 and abandoned by the Act of 1898 and the interest or dividends on those respective



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sums to be transferred and paid to the depositors in each case or as they shall direct and upon such orders being made the aforesaid sums or the stocks funds or securities in which the same may have been invested and the interest and dividends thereon shall be transferred and paid accordingly.

**32.** Whereas by the Act of 1897 certain branch railways were authorised and five per centum of the estimated expense thereof was deposited with the Paymaster-General on behalf of the Supreme Court and is referred to in section 12 of the said Act as "the deposit fund" and that section provides that if within the period limited for the completion of the branch railways the Company open any portion thereof for the public conveyance of traffic then on production of a certificate from the Board of Trade specifying the length of the portion of railway so opened and the portion of the deposit fund applicable thereto the High Court shall on the application of the depositors referred to in the said section order the portion of the deposit fund specified in such certificate to be paid or transferred to them or as they shall direct:

Providing  
for release of  
deposit on  
certain  
branch  
railways.

And whereas the branch railways before referred to are known as colliery branches worked and used for the conveyance of mineral and merchandise traffic and the branch railways authorised by the Act of 1897 have been or will be constructed or are in course of construction for that purpose and the Board of Trade may be unable to grant such a certificate as is referred to in section 12 of the said Act:

Therefore on the application of the depositors referred to in the said section at any time after the passing of this Act and upon proof of the completion and opening for the conveyance of mineral and merchandise traffic of the unabandoned portion of the Temple Normanton and Grassmoor Branch Railway (A) the Eckington Branch Railway (B) and the Mansfield Branch Railway respectively within the period limited by the Act of 1897 as extended by any subsequent Act for completing and opening the same the High Court may and shall order the portion of the deposit fund referred to in section 12 of the Act of 1897 which is applicable to each of the before-named branch railways or the stocks funds or securities in which the same may have been invested with any interest or dividends thereon to be repaid or retransferred to the depositors or as they shall direct and upon such order being made the portion of such deposit fund applicable as aforesaid or the stocks funds or securities in which the same may have been invested and the interest and dividends thereon shall be transferred and paid accordingly.



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Interest not  
to be paid  
out of  
capital.

**33.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for  
future Bills  
not to be  
paid out of  
capital.

**34.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as  
to general  
Railway  
Acts.

**35.** Nothing in this Act contained shall exempt the Company or any other company named in this Act or the railways of any company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

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



The SCHEDULE referred to in the foregoing Act.

A.D. 1900.

SUPERFLUOUS LANDS OF THE COMPANY.

Parish of Chesterfield  
Parish of Hasland  
Parish of Calow  
Parish of Bolsover  
Parish of Scarcliffe  
Parish of Killamarsh  
Parish of Barlborough  
Parish of Clowne and  
Parish of Beighton

} in the county of Derby.

Parish of Clifton  
Parish of Tuxford  
Parish of Harby  
Parish of North Clifton  
Parish of Fledborough  
Parish of Ollerton  
Parish of Edwinstow

} in the county of Nottingham.

Parish of Doddington  
Parish of Skellingthorpe

} in the county of Lincoln.

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CHICAGO, ILLINOIS

STATE OF ILLINOIS

IN SENATE

REPORT OF THE  
COMMISSIONERS OF THE  
LAND OFFICE  
FOR THE YEAR  
1900

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