

**CHAPTER cxlix.**

An Act to empower the London County Council to construct and work a tramway to make street improvements and other works and for other purposes. A.D. 1914.

[7th August 1914.]

WHEREAS it is expedient that the London County Council (in this Act referred to as "the Council") should be empowered to construct and maintain the tramway described in this Act:

And whereas it is expedient that provisions should be made as herein-after set forth with respect to the use and working of such tramway and that such further powers should be conferred upon the Council as are herein-after set forth:

And whereas it is expedient to confer on the Council powers to acquire lands and to make the street improvements and works herein-after specified:

And whereas it is also expedient to confer upon the Council in connexion with and for the purposes of the tramway street improvements and works by this Act authorised and otherwise in connexion with their tramway undertaking the powers herein-after set forth:

And whereas it is expedient that provision should be made requiring the councils of certain metropolitan boroughs to contribute towards the costs and expenses of the Council in relation to the street improvements and works to the extent and in the manner provided in this Act:

And whereas it is expedient that the provisions of the London County Tramways Act 1896 should be amended in the manner by this Act provided:

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And whereas it is expedient to confer on the Council such powers as are herein-after set forth with regard to the raising of money for the purposes of this Act :

And whereas estimates have been prepared by the Council as to the amount which they will require to expend on capital account for the purposes of this Act and such estimates (being in each case calculated to cover the original cost of purchasing lands and executing the works without any allowance in respect of returns from re-sale or letting of lands which will be ultimately available for that purpose or from contributions by metropolitan borough councils) are as follows :—

For the construction and equipment of the tramway and the purchase of lands therefor and for other purposes of the tramway undertaking	£ 74,550
For the street improvements widenings and works connected therewith and for purchase of lands therefor	78,800
Total	£153,350

And whereas the Council have deposited with the clerk of the peace for the county of London plans and sections describing the lines and levels of the tramway street improvements and works by this Act authorised and the lands which may be taken for the purposes thereof or otherwise under the powers of this Act and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference :

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the London County Council (Tramways and Improvements) Act 1914.

2. This Act is divided into Parts as follows (namely):—

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Part I.—Preliminary.

Act divided
into Parts.

Part II.—Tramway.

Part III.—Street Works.

Part IV.—Purchase of Lands.

Part V.—Miscellaneous and Financial.

3. The following Acts and parts of Acts (that is to say):—

Incorporation
of Acts.

The Lands Clauses Acts; and

Section 3 (Interpretation of terms) and Parts II. and III.
of the Tramways Act 1870;

as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act:

Provided that sections 127 and 133 of the Lands Clauses Consolidation Act 1845 shall not apply in the case of any lands purchased by the Council under the powers of this Act:

Provided further that notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 any claim for compensation under this Act or any Act incorporated herewith by any person having or in respect of any interest in the lands in respect of which compensation is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by justices in the manner provided by section 121 of the Lands Clauses Consolidation Act 1845.

4.—(1) In this Act unless the subject or context otherwise requires—

Interpreta-
tion.

“The Council” means the London County Council;

“The county” means the administrative county of London;

“The tramway” means the tramway by this Act authorised and any part thereof;

“The improvements” means the street improvements and the widenings by this Act authorised and any part thereof;

“The works” means the tramway and the improvements;

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893:

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings

A.D. 1914. have in and for the purposes of this Act the same respective meanings but the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts shall be construed to mean the Council.

(2) Where in this Act any distance or length is stated in the description of any of the works that distance or length shall be read and have effect as if the words "or thereabouts" were inserted thereafter.

PART II.

TRAMWAY.

Power to
make new
tramway.

5. Subject to the provisions of this Act the Council may make form lay down and maintain the tramway herein-after described in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing-places works and conveniences connected therewith as may be necessary or proper therefor :—

Tramway No. 4 (double line 1 mile 6 furlongs 9·2 chains in length) commencing in High Road Lee by a junction with the existing tramway therein at a point $\frac{1}{2}$ chain westward of the junction of Burnt Ash Road with High Road Lee passing thence along Eltham Road and High Street Eltham to and terminating in Well Hall Road by a junction with the existing tramway therein at a point $2\frac{1}{2}$ chains northward of the junction of High Street Eltham with Well Hall Road :

Tramway No. 4 will be situate in the following parishes and places or some of them The parish of Lee in the metropolitan borough of Lewisham and the parish of Eltham in the metropolitan borough of Woolwich.

As to system
of traction to
be adopted.

6. Nothing in this Act shall authorise the Council to place in any metropolitan borough any posts or wires in on or over any street for working the tramway by electrical power unless the council of such metropolitan borough shall by resolution have consented to the adoption therein of a system of traction conducted by means of posts and wires placed overhead.

Such consent may be subject to any limitations or conditions which may be expressed in the resolution and may apply to any particular streets or roads or fix any limited period defined by such resolution.

A copy of such resolution under the seal of the council of such metropolitan borough shall be delivered to the Council and shall be evidence of the due passing of such resolution. A.D. 1914.

Provided that no posts shall be placed in the centre of any street for the purpose of working the tramway by a system of traction conducted by means of posts and wires placed overhead without the consent of the Commissioner of Police of the Metropolis which consent shall not be unreasonably withheld.

7. Where in any part of any street or road (not being a part of a street or road described in the Second Schedule to this Act) which is by this Act authorised to be widened and in which the Council are by this Act authorised to make a tramway a less space than nine feet six inches would for a distance of thirty feet or upwards intervene between the outside of the footpath and the nearest rail of the tramway the Council shall not work or use such tramway in such part of such street or road unless and until such part has been widened to such extent as may be necessary to leave a space of not less than nine feet six inches between the outside of the footpath and the nearest rail of the tramway on the side of the street or road on which such widening is to be made or unless it appears from the deposited plans that such tramway is intended to be so made in such part of the street or road that a less space than nine feet six inches will intervene between the outside of the footpath and the nearest rail of the tramway.

Certain parts of tramway not to be used until streets widened.

PART III.

STREET WORKS.

8.—(1) Subject to the provisions of this Act the Council may in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections make and execute the improvements herein-after described (viz.):—

Power to Council to make improvements.

Widenings at Eltham Road and High Street Eltham.

Widenings of Eltham Road in the parish of Eltham in the metropolitan borough of Woolwich :—

On the southern side thereof between a point 11 chains westward of Mottingham Lane and a point 27 chains westward of Sherard Road :

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On the northern side thereof—

(1) Between Weigall Road and a point 3 chains westward thereof;

(2) Between a point 6 chains westward of Eltham Green Bridge and Sherard Road.

Widenings of High Street Eltham in the said parish of Eltham:—

On the northern side thereof between Sherard Road and a point 5 chains eastward thereof:

On the southern side thereof—

(1) Between Wellington Road and a point $\frac{1}{2}$ chain eastward thereof;

(2) Between Court Road and a point 6 chains westward thereof.

Widening at Piccadilly.

A widening of Piccadilly on the southern side thereof in the parish of St. George Hanover Square in the city of Westminster between Arlington Street and a point $1\frac{1}{2}$ chains eastward thereof.

(2) The Council may at the places mentioned or described in the Second Schedule to this Act increase the width of the carriageway of the several streets or roads therein mentioned by reducing the width of the footpath or footpaths at the side or sides thereof to the extent shown on the deposited plans but the Council shall not in exercising the powers of this subsection reduce the width of any footpath to less than six feet.

Improvements to form public streets repair &c.

9. When and as each of the improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which such certificate relates as shall have been laid out as carriageway or footway shall form part of the street and may be used by the public accordingly Subject to the provisions of this Act so much of the land acquired by the Council for any improvement as is thrown into and used for the carriageway or footway of any

street shall on the completion of the improvement (subject to the enjoyment by the council of the metropolitan borough in which the same is situate of all such rights in such lands as are usually enjoyed in respect of a street by the road authority) be and remain vested in the Council and the maintenance repair paving cleansing and lighting of so much of the improvement as has been laid out as aforesaid shall be under the care management control and jurisdiction of the council of the metropolitan borough in which such improvement is situate in the same manner as other streets in such borough:

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Provided that the provisions of this section with reference to the repair of carriageway shall not apply to that part of any carriageway which under the provisions of the Tramways Act 1870 the Council are bound to keep in repair.

10. The council of the city of Westminster shall contribute towards the costs and expenses of the Council in relation to the widening at Piccadilly one-seventh of the net cost thereof or the sum of two thousand nine hundred and seventy-one pounds whichever is the less and may subject in all respects to the provisions of the Metropolis Management Act 1855 as amended by any subsequent Act borrow the requisite moneys for the purposes of this section.

Contribution by council of city of Westminster.

11.—(1) The council of the metropolitan borough of Woolwich shall contribute towards the costs and expenses of the Council in relation to the widenings at Eltham Road and High Street Eltham such sums as the Council may from time to time require to the extent of (a) one-third part of the net cost of such widenings as are situate between the premises known as "Harrowfield" and Wellington Road and (b) one-fourth part of the net cost of such widenings as are situate between Wellington Road and Well Hall Road. Provided that in no case shall such contributions exceed the sum of sixteen thousand four hundred and forty-one pounds in the whole.

Contribution by council of metropolitan borough of Woolwich.

(2) The council of the metropolitan borough of Woolwich may subject in all respects to the provisions of sections 183 to 189 of the Metropolis Management Act 1855 as amended by any subsequent Act borrow the requisite moneys for the purposes of this section.

12. Separate accounts shall (if and so far as may be necessary) be kept in relation to the costs and expenses of the

Accounts of receipts and payments.

A.D. 1914. widenings at (a) Piccadilly and (b) Eltham Road and High Street Eltham and for the purpose of ascertaining the sums to be paid to the Council under this Act by the councils of the city of Westminster and of the metropolitan borough of Woolwich respectively the Council shall carry to the said accounts respectively all sums of money which may from time to time be paid to the Council under the provisions of this Act on account of the said improvements respectively and shall furnish to the said councils copies of the accounts relative to the improvements to which they are by this Act respectively required to contribute.

PART IV.

PURCHASE OF LANDS.

Power to
Council to
take lands.

13.—(1) Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works or for providing space for the erection of houses and buildings adjoining or near to the works or for the purposes of recoupment or exchange or for other purposes of this Act.

(2) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any other lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connexion with the works.

Purchase of
lands by
agreement.

14. In addition to the lands shown on the deposited plans and described in the deposited book of reference the Council may purchase by agreement in connexion with and for the purposes of the works any lands not exceeding in the whole five acres.

Compensa-
tion in case
of recently
altered build-
ings.

15. In settling any question of disputed purchase money or compensation under this Part of this Act the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the fourth day of November one thousand nine hundred and thirteen if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and

was made or created with a view to obtaining or increasing compensation under this Act. A.D. 1914.

16. The Council may in connexion with the works or otherwise in exercise of the powers of this Act take the parts of the several properties shown on the deposited plans and described in the deposited book of reference under the numbers stated in the Third Schedule to this Act which lie within the line marked "limits of deviation" or such part thereof as they may require without being required or compellable to purchase any greater part or the whole of any such property :

As to taking of part of certain properties.

Provided that this section shall not entitle the Council to take or interfere with the main structure of any house building or manufactory.

The provisions of this section shall be stated in every notice given thereunder by the Council to sell and convey any premises.

17. The powers of the Council 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.

Limitation of time for purchase of lands.

PART V.

MISCELLANEOUS AND FINANCIAL.

18. If the works are not completed within the period of seven years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the execution of the same respectively shall cease except so far as the same are then completed.

Period for completion of works.

19. The provisions of the London County Council (Subways) Act 1893 shall extend and apply to any subway to be constructed under the powers of this Act as well during as after the construction thereof as if such subway had been included in the expression "subway" in the said Act of 1893 and all bye-laws for the time being in force thereunder shall extend and apply to such subway :

Applying provisions of London County Council (Subways) Act 1893.

Provided that for the purposes of the application of the said Act of 1893 to such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

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Incorporating certain provisions of former Acts with various Parts of Act.

20. The sections of the London County Tramways (Electrical Power) Act 1900 the London County Council (Tramways and Improvements) Act 1901 the London County Council (Tramways and Improvements) Act 1907 and the London County Council (Tramways and Improvements) Act 1911 of which the numbers and marginal notes are respectively set forth in the second and third columns of the First Schedule to this Act are hereby incorporated with and form part of the Parts of this Act of which the numbers are respectively set opposite to the said sections in the first column of the said schedule and the said sections shall so far as applicable extend and apply to the works and to the lands by this Act authorised to be acquired by the Council and to the Council in respect thereof as fully and effectually as if such sections had been re-enacted with the necessary modifications in this Act with reference thereto:

Provided that for the purposes of the incorporated sections 48 and 49 of the said Act of 1901 the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies:

Provided further that in its application to the tramway section 11 of the said Act of 1901 shall be read and construed as if the words "or by the Commissioner of Police of the Metropolis" had been inserted therein after the words "twenty inhabitant ratepayers of such district."

As to use of posts for advertisements.

21.—(1) The Council shall not exhibit or permit the exhibition of advertisements on any posts or standards erected by them in any street for the purposes of their tramway undertaking other than advertisements relating to any undertaking or public service maintained or managed by the Council. In case of any contravention of the provisions of this section the Council shall be liable to a penalty not exceeding five pounds.

(2) Nothing in this section shall affect the right of the Commissioner of Police of the Metropolis to affix notices to such posts and standards in exercise of any express statutory power in that behalf.

Amendment of section 2 of London County Tramways Act 1896.

22. After the passing of this Act section 2 of the London County Tramways Act 1896 shall be read and construed as if the words "and any other tramways" had been inserted therein after the words "mentioned in the schedule to this Act" as if the words "authority or other body" had been substituted for

the words "or companies" and as if the words "authority or body as the case may be" had been inserted therein after the words "to the company" at the end of the said section.

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23.—(1) As from the date of the completion of the purchase by the Council of the tramways of the London United Tramways Limited (in this section called "the company") situate in the metropolitan borough of Hammersmith the company shall be entitled to run over and use the said tramways and the Council shall be entitled to run over and use so much of the company's tramways in the county of Middlesex as may be agreed between the Council and the company or failing agreement as shall be ordered by the Board of Trade after giving the parties an opportunity of being heard.

Mutual running powers with London United Tramways Limited.

(2) The terms and conditions of such running over and user of the said respective tramways shall be such as may be agreed between the company and the Council or failing agreement such as shall be determined (subject to the right of either party to demand a revision of the terms and conditions at the end of every period of five years) by an arbitrator to be appointed by the Board of Trade.

(3) If the company at any time cease to be able to continue the rights granted to the Council of running over and using any tramways owned by the company at the date of the passing of this Act and over which the Council may be exercising rights of running and user in pursuance of an agreement under this section or order of the Board of Trade hereunder the rights of the company under this section shall cease or be diminished to such extent as may failing agreement between the Council and the company be determined by the Board of Trade after giving the parties an opportunity of being heard.

24. Nothing in section 27 (Power to carry additional passengers) of the London County Council (Tramways and Improvements) Act 1913 shall be deemed to authorise the conveyance in the upper saloon of a two-deck carriage of additional passengers in excess of the number which such carriage is licensed to carry in such saloon or to authorise the conveyance in the lower saloon of such carriage of a number of additional passengers exceeding one-third of the number which such carriage is licensed to carry in such saloon.

Amending section 27 of London County Council (Tramways and Improvements) Act 1913.

A.D. 1914.

Crown
rights.

25. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners are hereby authorised to give).

Money to be
raised on
capital
account.

26. The Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding one hundred and fifty-three thousand three hundred and fifty pounds and may borrow or otherwise provide the money required for those purposes in accordance with the provisions of the London County Council (Finance Consolidation) Act 1912 :

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand nine hundred and fifteen.

As to pay-
ments under
this Act.

27. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner.

The SCHEDULES referred to in the foregoing Act.

A.D. 1914

FIRST SCHEDULE.
(Referred to in Section 20.)

PROVISIONS OF THE LONDON COUNTY TRAMWAYS (ELECTRICAL POWER) ACT 1900 THE LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1901 THE LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1907 AND THE LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1911 INCORPORATED WITH THIS ACT.

Part of Act to which incorporated Sections apply.	Number of Section.	Marginal Note.
LONDON COUNTY TRAMWAYS (ELECTRICAL POWER) ACT 1900.		
II.	3	Use of electrical power.
	4	Special provisions as to use of electrical power.
	6	Power to construct and provide appliances.
	7	Further provisions as to paving materials of roads.
	9	Application of materials excavated in construction of works.
	10	Alterations in streets &c.
	11	Electrical power works subject to Tramways Act 1870.
	12	Drainage and cleaning of rails and conduit.
	13	Reference of certain questions to arbitration.
	14	Posts &c. to be removed if user discontinued.
22	Agreements as to supply of electric energy.	
LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1901.		
II.	7	Tramways not to be opened until certified by Board of Trade.
	8	As to rails of tramways.
	9	Rails to be maintained on level of roadway.
	10	Saving rights of access to sewers.
	11	Penalty for not maintaining rails and roads in good condition and inspection of tramways.
	14	Use of tramways by road authorities for certain local purposes.
	17	Power to Council to work tramways.
	19 [except (b) (5) thereof]	For protection of Postmaster-General.
	22	Provision against interference with tramways.
	29	Streets may be raised or lowered.
III.	30	Deviation from line and levels.
	32	Carriageway footway sewers and other works.
	33	Directing how pavement shall be laid and made.
	34	Sewers or drains to be arched over or filled up.
	35	Power to alter steps areas pipes &c.
	38	Power to sell materials.

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Part of Act to which incorporated Sections apply.	Number of Section.	Marginal Note.
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LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1901—*cont.*

IV.	{	41	Power to certain persons to grant easements &c. by agreement.
		42	Correction of errors &c. in deposited plans and book of reference.
		43	Power to Council to enter upon property for survey and valuation.
II. and III.	{	44	Costs of arbitration &c. in certain cases.
		48	Alteration of position of water gas and other pipes.
III.	{	49	For protection of gas and water companies.
		50	Alteration of electric lines.
IV.	{	52	Power to lease surplus lands.
		54	Council may sell land in the first instance without having previously granted a lease thereof.
		55	Council may let or exchange lands.
IV.	{	57	Receipts of Council to be effectual discharges.
		58	Power to Council to make agreements with owners of property &c.
III.	{	66	Agreements for closing accounts in cases of joint works.
II.	{	68	Separate account of receipts and payments relating to tramways.

LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1907.

II.	{	7 (1)	Motive power.
		9	Gauge of tramways.
		12	Application of section 32 of Tramways Act 1870.
II. and III.	{	14	Power to make additional crossovers and to double tramway lines.
		17	Power to Postmaster-General in relation to posts &c.
IV.	{	21	Power to make subsidiary works stop up streets &c.
		32	Council to dispose of lands within a certain period.
II.	{	33	As to sale of ground rents.
		37	Amending section 12 of London County Tramways (Electrical Power) Act 1900.
II. and III.	{	40	Power to stop up ways temporarily.

LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1911.

II.	{	11	For protection of Royal Observatory Greenwich.
		14	Commissioner of Police may affix notices to standards.

SECOND SCHEDULE.
(Referred to in Section 8.)

A.D. 1914.

DESCRIPTION OF PORTIONS OF STREETS OF WHICH CARRIAGEWAY
IS TO BE WIDENED.

Name of Thoroughfare.	Metropolitan Borough.	Side or Sides of Thoroughfare.	Description.
Eltham Road	Woolwich	Northern	Between Leyland Road and a point 10½ chains westward of Mottingham Lane.
Do.	Lewisham	Southern	Between Leyland Road and a point 2 chains westward of Cambridge Road.
Do.	Woolwich	Do.	Between Hornpark Lane and a point 13½ chains eastward thereof.
High Street Eltham.	Do.	Do.	Between points respectively ½ chain and 2½ chains eastward of Wellington Road.
Do.	Do.	Northern	Between Well Hall Road and a point 1 chain westward thereof.
Well Hall Road.	Do.	Western	Between High Street Eltham and a point 1 chain northward thereof.

A.D. 1914.

THIRD SCHEDULE.
 (Referred to in Section 16.)

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED
 TO BE TAKEN BY THE COUNCIL.

Improvement.	Metropolitan Borough.	Numbers on deposited Plans and in Book of Reference.	Description.
Widenings at Eltham Road and High Street Eltham.	Woolwich	17	Granary stable part of yard pond and roadway.
		18	Forecourt wall and steps.
		29	Private street.
		30	House forecourt wall steps covered yard roadway and part of yard.
		34	Forecourt fence and gates.
		35	Forecourts wall railings pillars and roadway.

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