



City of London (Various Powers) Act 1969

CHAPTER xxxix

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

PART II

CITY OF LONDON CEMETERY AND CREMATORIUM

4. Interpretation for Part II.
5. Use of part of cemetery lands for crematorium.
6. Power to extinguish rights of burial in cemetery lands.
7. For protection of Commonwealth War Graves Commission.
8. Grants of rights of burial.

PART III

Section

MISCELLANEOUS

9. Re-accommodation of City of London Sea
10. Investment powers for Corporation of London Pool.
11. Power to borrow for purposes of Billingsgate Market
12. Amendment of City of London Ballot Act 1957
13. Increase of fine: street trading.
14. Amendment of City of London (Various Powers) Act 1956
15. Amendment of section 8 of City of London (Various Powers) Act 1956.
16. Repeal of Holborn Valley Improvement Act 1957
17. Saving for town and country planning.
18. Costs of Act.

SCHEDULES:

Schedule 1—Section 18 of the City of London (Various Powers) Act 1967 as amended by this Act

Schedule 2—

Part I—Holborn Valley Improvement Act 1957 repealed.

Part II—Provisions in the Holborn Valley Improvement Acts preserved.

ELIZABETH II



1969 CHAPTER XXXIX

Act to confer powers upon the Corporation of London with respect to the City of London Cemetery and Crematorium, the re-accommodation of the City of London School, the investment of the Corporation of London Charities Pool, the control of walkways; and for other purposes. [25th July 1969]

WHEREAS it is expedient—

To empower the Corporation of London to set apart and for the purposes of a new crematorium a part of the City of London Cemetery and Crematorium in the London Borough of Ham free from the consequences of consecration:

To authorise the Corporation to extinguish certain ancient rights of burial and to remove tombstones and other memorials so that better use may be made of the lands in the said cemetery available for burials:

To make provision with respect to the re-accommodation of the City of London School on lands within the city:

To confer further powers upon the official trustees of the Corporation with respect to the investment of a trust fund comprising the Corporation of London Charities Pool:

(5) To confer further powers upon the Corporation in respect to the borrowing of money for the purpose of the Market:

1887 c. xiii.

(6) To extend the time fixed by the City of London Act 1887 for the holding of a poll for election by the Corporation in the hall:

1967 c. xlii.

(7) To make further provision with respect to the Corporation's walkways under Part II (City walkways) of the City of London (Various Powers) Act 1967:

1965 c. xxxix.

(8) To provide for the repeal of enactments relating to the Corporation's Viaduct in the city, to increase penalties for certain offences under Part III (Street trading) of the City of London (Various Powers) Act 1965, and to enact provisions contained in this Act:

And whereas the objects of this Act cannot be achieved by 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 in that behalf lawfully made, and with the advice and consent of the Lords Spiritual, Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the City of London (Various Powers) Act 1969.

Division of Act into Parts.

2. This Act is divided into Parts as follows:

Part I.—Preliminary.

Part II.—City of London Cemetery and Burial Grounds.

Part III.—Miscellaneous.

Interpretation.

3.—(1) In this Act unless the subject requires—

“ city ” means the city of London;

“ Corporation ” means the mayor and citizens of the city acting by the corporation;

“ enactment ” includes an enactment in a general or local Act and any order, rule, scheme or other instrument made for the time being in force;

“official trustees of the Corporation” means the officers of the Corporation or other persons appointed from time to time by the Corporation to be the official trustees;

“town clerk” means the town clerk of the city and includes any person duly appointed to discharge temporarily the duties of that officer.

PART I
—cont.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

PART II

CITY OF LONDON CEMETERY AND CREMATORIUM

4. In this Part of this Act—

Interpretation
for Part II.

“the cemetery lands” means the lands comprising the City of London Cemetery and Crematorium in the London Borough of Newham;

“memorial” means any object erected, placed or planted for the commemoration of the dead, and includes any wall, kerb or railing protecting, enclosing or marking a grave or grave space or memorial;

“registered owner” in relation to any right of burial means the person at the time in question registered as the owner in the register of grants of rights of burial maintained under the Cemeteries Clauses Act 1847 and “registered address” means an address registered in that register; 1847 c. 65.

“the signed plan” means the plan marked “City of London Cemetery” signed by Harry Gourlay, the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred, one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one in the Private Bill Office of the House of Commons, one in the office of the town clerk and one in the office of the town clerk of the London Borough of Newham.

(1) For the purposes of, or in connection with, the provision for the maintenance of a crematorium the Corporation may set apart and use the part of the cemetery lands described in subsection (3) of this section and any land so set apart and used shall upon be freed from the effects of consecration and from all its uses, obligations, disabilities and restrictions whatsoever which attach thereto under ecclesiastical law or otherwise. Use of part of cemetery lands for crematorium.

Section 5 of the Cremation Act 1902 shall not apply in relation to any crematorium to be constructed wholly or partly on part of the cemetery lands described in subsection (3) of this section. 1902 c. 8.

PART II
— cont.

Power to
extinguish
rights of
burial in
cemetery
lands.

(3) The part of the cemetery lands referred to in (1) and (2) of this section is an area of 160,000 square feet, the boundaries of which are shown on the signed plan and thereon.

6.—(1) Where in respect of any grave space a right of burial has not been exercised for a period of more than seven years from the date of the latest burial in that grave space, or where there has been no burial in the grave space, the Corporation may, in accordance with the provisions of this section, grant of the right of burial in the grave space, and may, in accordance with the provisions of this section, extinguish the right of burial in that grave space and the burials:

Provided that no right of burial granted after the commencement of this Act for any period longer than seventy years shall be extinguished under this section.

(2) The power of the Corporation under this section to extinguish a right of burial in any grave space where there has been a burial shall include power to remove any memorial in or on the grave space.

(3) Before extinguishing a right of burial in any grave space or removing a memorial under the powers of this section the Corporation shall—

- (a) publish a notice of their intention to do so in a local newspaper in the London Borough of Newham for a period of two successive weeks in a local newspaper in the London Borough of Newham between the dates of publication of the notice on clear days;
- (b) display a notice thereof in a conspicuous place at each of the principal entrances to the cemetery;
- (c) serve a notice thereof upon the registered proprietor of the right of burial at his registered address.

(4) Each of the notices shall—

- (a) contain full particulars of the Corporation's proposals, including a specification of the grave spaces and other description of all grave spaces in which it is proposed that rights of burial should be extinguished and stating whether it is proposed that any memorial should be removed;
- (b) specify the date on which it is intended that the rights of burial should be extinguished and any date on which a memorial should be removed, which date shall not be earlier than the date of the later of the two publications of the notice on which notice is first displayed, or the date on which notice is served whichever is the later;
- (c) state the effect of subsections (5) and (6).

(5) If notice of objection to the extinguishing of a right of burial in any grave space is given to the Corporation within the period of

specified under paragraph (b) of subsection (4) of this section by the registered owner of the right of burial and that objection not withdrawn the right of burial to which the objection relates shall not be extinguished under this section, and if notice of any other objection to the extinction of any rights of burial or to the removal of any memorial, and of the ground of any such objection, is given to the Corporation before the date so specified and is not withdrawn, any rights or memorial to which such mentioned objection relates shall not be extinguished or removed without the consent of the Minister of Housing and Local Government.

(6) Any memorial removed by the Corporation under this section shall remain the property of the registered owner thereof, and if such owner does not claim it within a period of three months after the date specified under paragraph (b) of subsection (4), the Corporation may put the memorial to such use as they deem appropriate or they may destroy it.

(7) (a) As compensation for any right of burial extinguished under this section the Corporation shall, on a claim being made by the registered owner of the right of burial within six months from the extinguishment of that right, pay to him such sum representing the value of that right as may be agreed between the Corporation and the owner or, in default of agreement, determined by arbitration.

(b) In any arbitration under this subsection the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed by the President of the Royal Institution of Chartered Surveyors on the application of either party after giving notice in writing to the other party.

(8) The Corporation shall cause a record to be made of each memorial removed under this section containing —

- (a) a copy of any legible inscription on it; and
- (b) if it is intended to preserve the memorial, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(1) In this section —

“the Commission” means the Commonwealth War Graves Commission;

“Commonwealth war burial” means a burial of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

For protection
of Common-
wealth War
Graves
Commission.

PART II
— cont.

(2) The powers conferred by section 6 (rights of burial in cemetery lands) of this Act by the Corporation in respect of—

- (a) any grave space or any memorial mark within any part of the area of the cemetery marked with a blue line or colouring, or of the adjacent area of the cemetery marked with the graves marked blue, on the Deed of Agreement dated the 23rd July 1847 and made between the City of London on the one part and the Imperial War Graves Commission on the other part;
- (b) any grave space or any memorial mark within any part of the area of the cemetery marked with an unbroken red line on the Deed of Agreement dated the 23rd July 1847 and made between the said City of London on the one part and the said Imperial War Graves Commission on the other part;
- (c) any grave space or any memorial mark situated elsewhere in the cemetery or concerning any of the one half of the Commonwealth war burials plots recorded on the list dated 17th July 1947 and duplicate by Ernest Sidney Turner of the City of London Cemetery Corporation and by Albert Edward Venn of the Imperial War Graves Commission, on behalf of the said Corporation, a copy of which has been deposited with the said Superintendent and the other members of the said Commission.

Grants of
rights of
burial.
1847 c. 65.

8. Notwithstanding anything in section 4 of the Burial (Miscellaneous Provisions) Act 1847 and the Schedule to that Act, a form of grant of the exclusive use of any part of the cemetery lands may be given to the town clerk instead of under the common seal of the Corporation.

PART III

MISCELLANEOUS

Re-accommo-
dation of City
of London
School.
1834 c. 35.

9. Whereas by the Act 4 & 5 William 4 (the Act for establishing a School on the Site of the Old St. Dunstons Church in the City of London" (hereafter in this Act referred to as "the Act of 1834") the Corporation was required to erect and for ever thereafter to maintain

hereafter in this section referred to as "the school") upon a site specified in that Act, and in pursuance of the provisions of the City of London School Act 1879 the school was transferred to premises erected upon a site facing Victoria Embankment in the city: 1879 c. lxxii.

And whereas by the City of London School Act 1879 the Corporation are required for ever to maintain the school on the said premises facing Victoria Embankment (hereafter in this section referred to as "the 1879 premises"):

and whereas it is expedient to transfer the school to new and enlarged premises to be erected on other lands in the city:

Now therefore it is hereby declared as follows:

(1) The Corporation may—

(a) acquire by agreement; or

(b) appropriate under section 12 (Power to appropriate land) of the City of London (Various Powers) Act 1949:

1949 c. xiv.

lands in the city for the purposes of the school and, notwithstanding anything in the Act of 1834 or the City of London School Act 1879, when new premises have been erected for the school on such other lands, the Corporation may transfer the school from the 1879 premises to such new premises;

(2) When the school has been transferred from the 1879 premises, the Corporation may sell, lease or otherwise dispose of the 1879 premises and the lands upon which those premises are situated in such manner as they shall think fit, and all moneys arising from any such sale, leasing or disposal shall, after payment of all expenses incurred in connection therewith, be credited to the city's cash;

(3) Subject to the foregoing provisions of this section, when the school has been transferred as aforesaid, the Act of 1834 and the City of London School Act 1879 shall apply and have effect in relation to the school on the new premises referred to in subsection (1) of this section as those enactments apply and have effect in relation to the school on the 1879 premises.

(4) The official trustees of the Corporation may invest any Investment powers for Corporation of London Charities Pool.
from time to time forming part of the trust fund to which this section applies, whether at the time in a state of Investment Act 1961 as having effect in accordance 1961 c. 62.
ent or not, in the following manner:—
in or upon any investments authorised by the Trustee Pool.
Investment Act 1961 as having effect in accordance 1961 c. 62.
with the provisions of subsection (2) of this section;

PART III
—cont.

- (b) in the purchase of freehold ground or leasehold land, messuages and hereditaments in the United Kingdom provided that, as to the term thereof has, at the time of investment, at least sixty years to run;
- (c) upon the security of freehold property, rents, land charges or rentcharges in the United Kingdom by way of first mortgage of two-thirds of the value of such security in making the investment;

and may also from time to time vary any investment by sale and reinvestment or otherwise.

1961 c. 62.

(2) (a) Notwithstanding the division of the trust fund pursuant of section 2 (1) of the Trustee Investments Act 1961 the trust fund may be again divided so that, in the latter division, the value of the wider-range part is the same as the then value of the narrower-range part the proportion of the fund is one; and such proportion is in the Trustee Investments Act 1961 as modified by paragraph (b) of this subsection "the prescribed proportion".

(b) For the purposes of any division of the trust fund in accordance with paragraph (a) of this subsection the Trustee Investments Act 1961 shall have effect in relation to the trust fund subject to the following modifications:

- (i) in section 2 (1), for the words "equally" there shall be substituted the words "in the prescribed proportion";
- (ii) in section 2 (3) (b), and in paragraph (b) of subsection (4) of that section, for the words from "each" to the end of the sub-paragraphs, there shall be substituted the words "the wider-range part of the fund" and "the narrower-range part of the fund" respectively; and "the wider-range part of the fund" shall mean the amount which bears the prescribed proportion of the value of the fund by which the value of the fund is increased";
- (iii) in section 4 (3), for the words from "each other" to the end of the subsection there shall be substituted the words "each other either the wider-range part or the narrower-range part";
- (iv) section 13 shall not apply in relation to the trust fund.

1960 c. 58.

(3) This section applies to the trust fund of the Corporation of London Charities Pool established by the Secretary of State for the Home Department under the Charities Act 1960 on 20th July 1969. In this section "the trust fund" shall be construed as if it included the trust fund of the Corporation of London Charities Pool.

PART III
— cont.

1.—(1) The Corporation may from time to time, for the purpose of defraying any expenses incurred, or to be incurred, by them in connection with Billingsgate Market, borrow at interest on the credit of the tolls, stallages, rents and other payments to be received by them under the Billingsgate Market Act 1846, the Billingsgate Market Act 1871 and Part II (Billingsgate Market) of the City of London (Various Powers) Act 1937, such money as they from time to time think requisite not exceeding four million pounds, such money being charged, if the Corporation (in exercise of their power to borrow on the credit of their estates and revenues) so determine, as collateral security on the credit of the said estates and revenues.

Power to borrow for purposes of Billingsgate Market
1846 c. cccxlv.
1871 c. lv.
1937 c. xlv.

(2) It shall not be lawful to exercise the power of borrowing conferred by subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

(3) Section 3 (Power to borrow for purposes of Billingsgate Market) of the City of London (Various Powers) Act 1962 is hereby repealed.

1962 c. xlii.

(4) Section 5 (Day and times for opening and closing the poll) of the City of London Ballot Act 1887 shall have effect as if for the words “such poll shall take place on the third day after the demand for a poll be made” there were substituted the words “such poll shall take place on the fourteenth day after the demand for a poll be made”.

Amendment of City of London Ballot Act 1887.
1887 c. xiii.

(5) Section 22 (Offences penalties etc.) of the City of London (Various Powers) Act 1965 shall be amended as follows:

Increase of fine: street trading.

In subsection (4), for the words “ten pounds”, there shall be substituted the words “twenty pounds”.

1965 c. xxxix.

(6) Part II (City walkways) of the City of London (Various Powers) Act 1967 shall be amended as follows:

Amendment of City of London (Various Powers) Act 1967.

(i) In subsection (1) of section 9 (Paving, etc., of city walkways), after the word “between” there shall be inserted the words “the Corporation and”;

1967 c. xlii.

(ii) In section 18 (Regulation of placing of things in city walkways)—

(i) For subsection (1) thereof there shall be substituted the following subsection:

“(1) Subject to the provisions of this section, any person may place and maintain in or over a city

PART III
—cont.

walkway, or any part thereof, for the convenience or entertainment of the public, or otherwise for the benefit of the public, for the improvement of amenities for the purposes, and may use any part thereof temporarily for the purpose of entertainment, whether or not such use is to be made:

Provided that nothing in this section

- (a) relieve any person of any liability or, as the case may be, any obligation to do anything on the land in which the walkway is situated or any obligation to do anything on the land of the owner or occupier of the land in which the walkway is situated, in relation to placing or maintaining anything over the walkway or over any part of the walkway as aforesaid;
- (b) authorise obstruction of a walkway with, the execution of any works as are referred to in subsection (1) of section 19 (Street works) of this Act in any part of a walkway in which this section applies; or
- (c) relieve any person of any liability for obtaining any other consent which may be required by any other enactment; or
- (d) enable any person to do anything in or over any part of a walkway, or to do anything on a walkway, for any purpose, without the consent of the Council.

(ii) In subsection (2) (a), for the words "any such things" there shall be substituted the word "anything".

(iii) For subsections (2) (b) and (c) there shall be substituted the following paragraphs:

- "(b) the time during which anything placed in a city walkway is allowed to remain there; and
- (c) the nature of anything placed in a city walkway or of any use of a city walkway, and the time during which such use is allowed to be made of the walkway."

avoid risk of injury or inconvenience to members of the public, and to prevent injury to amenity”:

PART III
—cont.

(iv) In subsection (4), for the words “consent has been given”, there shall be substituted the words “consent to the placing of any things in a city walkway has been given by the Corporation.”.

Accordingly the said section 18 of the City of London (Various Powers) Act 1967 shall have effect as set out in Schedule 1 1967 c. xlii.
s. Act.

Section 8 (Directions and regulations as to street traffic) of the City of London (Various Powers) Act 1956 shall be amended as follows:—

Amendment
of section 8
of City of
London
(Various
Powers) Act
1956.

In subsection (5), the words from “and as if” to the end of the subsection shall be omitted.

1956 c. 1.

(1) The enactments specified in Part 1 of Schedule 2 to this Act are hereby repealed.

Repeal of
Holborn
Valley

The provisions of Part V (Public Service Works) of the City of London (Various Powers) Act 1900 shall apply to the works and any communications, works or things for the construction thereof constructed by the Corporation under section 19 (Power to make Subway) of the Holborn Valley Improvement Act 1864 as if the same had been constructed under section 19 of the said Act of 1900.

Improvement
enactments.

1900 c. cccxxviii.

Notwithstanding the repeal by this section of section 33 (Management and Repair of Streets &c. when completed) of the Holborn Valley Improvement Act 1864 and of section 22 (Management of Saint Andrew Street) of the Holborn Valley and London Market Improvement Act 1872, the viaduct and streets to be in those sections shall continue to be under the care, management and jurisdiction of the Corporation as highways maintainable at the public expense.

1864 c. lxi.

1872 c. lxxxii.

Without prejudice to the operation of section 38 of the Statute Law (Repeal) Act 1889, notwithstanding the repeal of enactments specified in this section—

1889 c. 63.

all acts, works, matters and things done or commenced under those enactments or any of them and which are in force at the commencement of this Act valid and available or in progress, and all existing awards, agreements, contracts, conveyances, covenants, deeds, leases and other instruments, and all obligations, rights and remedies shall be and continue valid and available for all purposes, and for and against all parties, and may be continued, enforced and completed as if this Act had not been passed;

PART III
—cont.

- (b) all actions, arbitrations, prosecutions or causes of action, arbitrations or other proceedings pending or existing or in favour of the Corporation at the commencement of this Act may be continued, commenced, brought, continued, carried on, prosecuted, defended, by, with, against or in favour of the Corporation as if this Act had not been passed;
- (c) all plans, sections and books of reference deposited for the purposes of any Bill for this Act, and every such plan, section, book of reference, certificate or extract shall be receivable in evidence as if the Bill had been passed;
- (d) all other books and documents which would have been receivable in evidence had not been passed;
- (e) any rights, powers, duties or obligations imposed by the provisions of the Act in Part II of Schedule 2 to this Act which are in force at the commencement of the Act in relation to any works or apparatus of the Corporation or placed before the commencement of the Act shall not be prejudiced or affected.

Saving for
town and
country
planning.

17. The provisions of the Town and Country Planning Act 1962 to 1968, and any restrictions or powers conferred in relation to land, shall apply in relation to any land notwithstanding that the land is, or may be, authorised or regulated by the Corporation.

Costs of Act.

18. The costs, charges and expenses incurred by the Corporation in connection with and incidental to, the preparing, obtaining and passing of this Act shall be paid by the Corporation out of the proceeds of the general rate of the city in such proportions as the Corporation may deem just.

SCHEDULES

SCHEDULE 1

Section 14.

SECTION 18 OF THE CITY OF LONDON (VARIOUS POWERS) ACT 1967 AS 1967 c. xlii,
AMENDED BY THIS ACT

18.—(1) Subject to the provisions of this section, any person may place and maintain in or over a city walkway, or any part thereof, anything for the use, convenience or entertainment of members of the public, or otherwise for the benefit of the public, or for the improvement of amenities, or for decorative purposes, and may use any part of a city walkway temporarily for the purpose of any exhibition or entertainment, whether or not a charge for admission is to be made:

Regulation of placing of things in city walkways.

Provided that nothing in this subsection shall—

- (a) relieve any person who is not the occupier, or, as the case may be, the owner, of the land in which the walkway is situated from any obligation to obtain the consent of the owner or occupier of such land to the placing or maintaining of anything in or over the walkway or to any such use of the walkway as aforesaid; or
- (b) authorise obstruction of, or interference with, the execution of such undertakers' works as are referred to in subsection (1) of section 19 (Statutory undertakers' works) of this Act in any walkway, or any part of a walkway, to which that subsection applies; or
- (c) relieve any person from the necessity for obtaining any other permission, licence or consent which may be required under any other enactment; or
- (d) enable any person to place or maintain anything in or over a city walkway, or any part thereof, or to use any part of a city walkway, for any purpose as aforesaid, without the consent of the Corporation.

Any consent given by the Corporation under this section may be subject to such conditions as they think fit, including conditions

- (a) the positions in a city walkway in which anything may be placed;
- (b) the time during which, or the times at which, anything placed in a city walkway shall be allowed to remain there or any use shall be allowed to be made of part of a city walkway;
- (c) the nature of anything to be placed in a city walkway or of any use to be made of part of a city walkway, and the steps to be taken to avoid risk of injury or inconvenience to members of the public, and to prevent injury to amenity; and
- (d) payment or other consideration.

The Corporation may withdraw any consent given under this section or may from time to time vary or add to any conditions to which a consent has been given.

Sch. 1.
—cont.

(4) If a person contravenes any condition subject to the placing of any things in a city walkway by the Corporation under this section the Corporation may remove the things in respect of which that condition has been contravened, and if within twenty-four hours he fails to do so, they may remove such things and recover the expenses reasonably incurred in so doing from the person in default.

Section 16.

SCHEDULE 2

PART I

HOLBORN VALLEY IMPROVEMENT ENACTMENTS

Chapter	Short title
27 & 28 Vict. c. lxi ...	The Holborn Valley Improvement Act 1864.
30 & 31 Vict. c. lv	The Holborn Valley Improvement (Works) Act 1867.
32 & 33 Vict. c. xx	The Holborn Valley Improvement Act 1869.
35 & 36 Vict. c. lxxxi	The Holborn Valley and City Improvement Act 1872.
12 & 13 Geo. 5 c. xxi	In the City of London (Various Provisions) Act 1922. Section 31 (Payments of Improvement Rate).

PART II

PROVISIONS IN THE HOLBORN VALLEY IMPROVEMENT ACT 1864

In the Holborn Valley Improvement Act 1864:

Section 32 (Great Central Gas Company in certain new Streets);

Section 37 (Reserving Rights of the Gas Company);

Section 38 (As to the Site of Ely Place).

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