



CHAPTER cxxxii.

An Act to confirm certain Provisional Orders of the A.D. 1913.
Local Government Board relating to Birmingham
and Wolverhampton. [15th August 1913.]

WHEREAS the Local Government Board have made the
Provisional Order set forth in the First Schedule hereto
under the provisions of the Public Health Act 1875 and the 38 & 39 Vict.
Local Government Act 1888 and the Provisional Order set forth c. 55.
in the Second Schedule hereto under the provisions of the 51 & 52 Vict.
Public Health Act 1875: c. 41.

And whereas it is requisite that the said Orders should be
confirmed by Parliament:

Be it therefore 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:—

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

2. This Act may be cited as the Local Government Board's Short title.
Provisional Orders Confirmation (No. 8) Act 1913.

A.D. 1913.

THE FIRST SCHEDULE.

CITY OF BIRMINGHAM.

*Birmingham
Order.*

*Provisional Order for altering certain Local Acts and
Confirming Acts.*

To the Lord Mayor Aldermen and Citizens of the City of Birmingham ; —

And to all others whom it may concern.

WHEREAS the City of Birmingham (herein-after referred to as "the City") is an Urban Sanitary District of which the Lord Mayor Aldermen and Citizens acting by the Council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority ;

46 & 47 Vict.
c. lxx.

57 & 58 Vict.
c. cxxiii.

1 & 2 Geo. 5.
c. xxxvi.

And whereas the unrepealed provisions of the Birmingham Corporation (Consolidation) Act 1883 (herein-after referred to as "the Act of 1883") as altered by the Birmingham Order 1894 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1894 and by the Birmingham (Extension) Order 1911 which was confirmed by the Local Government Board's Provisional Order (1910) Confirmation (No. 13) Act 1911 (which Provisional Orders and confirming Acts are herein-after referred to as "the Orders" and "the Confirming Acts" respectively and each of which Provisional Orders is herein-after referred to as the Order of the year in which it was made and each of which Confirming Acts is herein-after referred to as the Confirming Act of the year in which it was passed) and of certain other Local Acts and certain other Provisional Orders confirmed by Parliament are in force in the City ;

And whereas by Sections 218 and 219 of the Act of 1883 it is provided that certain expenses incurred by the Corporation in the execution of the Act of 1883 and of the Public Health Act 1875 shall be defrayed by a rate to be called the improvement rate (herein-after referred to as "the improvement rate") ;

And whereas it is provided by Section 221 of the Act of 1883 that the owners of all rateable property assessed at an annual value not exceeding ten pounds shall whether such property be occupied or not be rated to and pay the improvement rate instead of the occupiers thereof and in such cases the Corporation shall make the following deductions from the amount that would be otherwise due (namely)

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxxii.]
Provisional Orders Confirmation (No. 8) Act, 1913.

two-thirds of the amount of each rate when the annual value of the property assessed does not exceed five pounds and one-half of the amount of each rate when the value of the property assessed exceeds five pounds and does not exceed ten pounds and such reduced rates shall be recoverable in like manner as the full amount of such rate might by the Act of 1883 be recovered ;

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And whereas by Sections 222 223 and 224 of the Act of 1883 further provision is made as therein mentioned with respect to the making assessing collecting and levying of the improvement rate and by virtue of the said Section 223 certain sections of the Towns Improvement Clauses Act 1847 including Section 168 of that Act are incorporated with the Act of 1883 ;

10 & 11 Vict.
c. 34.

And whereas by the said Section 223 the Corporation are empowered to make an order on the overseers of parishes and parts of parishes in the City requiring them to collect the improvement rate and by the Order of 1894 provision is made with respect to the auditing of the accounts of the several overseers and the collectors relating to such rate so long as any such order of the Corporation as aforesaid is in force ;

And whereas by subdivision (2) of Article XII. of the Order of 1911 Section 220 of the Act of 1883 was repealed and in lieu thereof it was provided that as regards the improvement rate any person occupying any farm-house or buildings connected or occupied therewith or any lands used as arable meadow or pasture ground only or as woodlands or market gardens garden allotments or nursery grounds and any person entitled to any tithes corn rent in lieu of tithes or tithe commutation rentcharge also the occupiers of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance should be assessed in respect of such hereditaments on the full net annual value thereof but should be liable to pay only the rate in the pound payable in respect of buildings and other hereditaments less an allowance or deduction each year from such rate of two shillings and one halfpenny ;

And whereas in pursuance of the provisions of Sections 3 and 4 of the Poor Rate Assessment and Collection Act 1869 the owners of rateable hereditaments within the City of which the rateable value does not exceed ten pounds are rated to the poor rate including the borough rate in respect of such rateable hereditaments instead of the occupiers ;

32 & 33 Vict.
c. 41.

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to partially repeal alter or amend the Act of 1883 and the Confirming Acts in the manner herein-after set forth :

[Ch. cxxxii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Orders Confirmation (No. 8) Act, 1913.

A.D. 1913. Now therefore We the Local Government Board in pursuance of
Birmingham the powers given to Us by Sections 297 and 303 of the Public Health
Order. Act 1875 and by Section 59 of the Local Government Act 1888
38 & 39 Vict. and by any other Statutes in that behalf do hereby order that from
c. 55. and after the date of the Act of Parliament confirming this Order
51 & 52 Vict. the Act of 1883 and the Confirming Acts so far as they respectively
c. 41. relate to the Orders shall be partially repealed and altered so that
the following provisions shall take effect that is to say:—

Date of Art. I. This Order shall come into operation on the Thirty-first
operation. day of March One thousand nine hundred and fourteen.

Repeal of Art. II. Sections 218 219 221 222 223 and 224 of the Act of 1883
Local Act so much of the Confirming Act of 1894 as relates to the Order of
provisions. 1894 and so much of the Confirming Act of 1911 as relates to sub-
division (2) of Article XII. of the Order of 1911 shall be repealed.

Abolition of Art. III.—(1) All expenses of the Corporation which if this Order
improvement had not been made would have been payable out of the improvement
rate. rate shall be charged on and defrayed out of the borough fund and
borough rate of the City and in any case for which no specific pro-
vision is made in this Order any reference to the improvement rate in
any Local Act or Provisional Order in force in the City shall be deemed
to be a reference to the borough rate.

(2) The improvement rate account shall be closed and any balance
which on the date of the operation of this Order is standing to the
credit or to the debit of the said account shall from and after that
date be transferred to the credit or to the debit (as the case may be)
of the borough fund and any moneys received by the Corporation
after that date which if this Order had not been made would have
been carried to the credit of the improvement rate account shall be
carried to the credit of the borough fund.

Application Art. IV. During the operation of Article XXXIV. of the Order of
of Section 146 1911 Section 146 of the Municipal Corporations Act 1882 shall with
of Municipal the necessary modifications apply and have effect in relation to the
Corporations borough rates as if each of the Parishes within the City and each
Act 1882. area mentioned in that Article were a parish partly in and partly out
45 & 46 Vict. of the City.
c. 50.

Deduction Art. V. The following provisions shall have effect with respect to
from the borough rates to be made and levied in the City that is to say:—

amount in (1) The following classes of persons that is to say:—

the pound of (a) any person occupying any farm-house or buildings
the borough connected or occupied therewith or any lands used as
rate in cer- arable meadow or pasture ground only or as woodlands
tain cases. or market gardens garden allotments or nursery grounds;

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxxii.]
Provisional Orders Confirmation (No. 8) Act, 1913.

(b) any person entitled to any tithes corn rent in lieu of tithes or tithe commutation rentcharge ;

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(c) the occupiers of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance ; or

(d) the owner or occupier of any hereditament (not being a building or land belonging to the Corporation) in respect of which the owner or occupier is at the date of the Act of Parliament confirming this Order exempt by virtue of Section 168 of the Towns Improvement Clauses Act 1847 from payment of the improvement rate ;

shall be assessed in respect of such hereditaments on the rateable value thereof but shall be liable to pay in each year only the rate in the pound payable in respect of other buildings and hereditaments less a rebate or deduction of two shillings and one halfpenny from such rate :

(2) Any person who is the owner of any hereditament of which the rateable value does not exceed ten pounds and who in pursuance of Section 3 or Section 4 of the Poor Rate Assessment and Collection Act 1869 (or of any order or agreement made or notice given thereunder) is liable to pay the poor rates in respect of such hereditament whether the same be occupied or not shall be assessed in respect of such hereditament on the rateable value thereof but shall be liable to pay in each year only the rate in the pound payable in respect of hereditaments of which the rateable value exceeds ten pounds less a rebate or deduction of eightpence halfpenny from such rate and if the rateable value of the hereditament does not exceed five pounds a further rebate or deduction of fivepence halfpenny from such rate :

(3) In the case of any borough rate made and levied in the City for a period less than a year the rebate or deduction to be made under subdivision (1) or subdivision (2) of this Article shall be an amount which bears the same proportion to the amount therein specified as the said period bears to a year :

(4) For the purposes of any calculation or deduction to be made under Section 3 or Section 4 of the Poor Rate Assessment and Collection Act 1869 Section 1 of the Agricultural Rates Act 1896 or Section 1 of the Tithe Rentcharge (Rates) Act 1899 in respect of any hereditament to which the foregoing

59 & 60 Vict.
c. 16.
62 & 63 Vict.
c. 17.

[Ch. cxxxii.] *Local Government Board's* [3 & 4 GEO. 5.]
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subdivisions of this Article apply the amount of the rate payable in respect of that hereditament or of the rate in the pound payable in respect of buildings and other hereditaments shall be deemed to be the amount which if the provisions of the said subdivisions had not been made would have been deemed to be the amount of such rate or of such rate in the pound (as the case may be) for the said purposes less any rebate or deduction to be made in respect of that hereditament in pursuance of the said subdivisions.

Security for
loans.

Art. VI.—(1) So much of any moneys owing by the Corporation as will at the date of the operation of this Order be charged upon the improvement rate shall by virtue of this Order be charged upon the borough fund and borough rate.

Saving for
rights of
mortgagees.

(2) Nothing in this Order shall prejudice or affect any mortgage or other security which has been granted in respect of any sum borrowed as aforesaid or the powers of any person entitled under any such mortgage or other security to enforce the same as if this Order had not been made and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Order the power may continue to be exercised as if this Order had not been made and the borough rate shall for any such purpose be levied and have effect in substitution for the improvement rate.

Form of rate
&c. to be
prescribed
by Board.

Art. VII. The borough rate and the demand note and any other necessary documents to be used for the purposes of or in connexion with the borough rate shall be in such form as the Local Government Board may from time to time prescribe.

Application
of Order to
Section 133
of Lands
Clauses Con-
solidation
Act 1845.

Art. VIII. For the purposes of Section 133 of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be the aggregate of the amount in the pound of the poor rate and borough rate made and levied in the respective areas after deducting the sum of two shillings and one halfpenny from such aggregate or in the case of a rate made and levied for a period less than a year after deducting an amount which bears the same proportion to two shillings and one halfpenny as the said period bears to a year.

Short title.

Art. IX. This Order may be cited as the Birmingham (Rating) Order 1913.

Given under the Seal of Office of the Local Government Board
this Sixth day of May One thousand nine hundred and
thirteen.

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

THE SECOND SCHEDULE.

A.D. 1913.

BOROUGH OF WOLVERHAMPTON.

*Provisional Order for altering the Wolverhampton
Improvement Act 1869.*

Wolverhampton Order.

To the Mayor Aldermen and Burgesses of the Borough of
Wolverhampton;—

To the Guardians of the Poor of the Wolverhampton Union;—

To the Overseers of the Poor of the Township of Wolverhampton;—

To the Collectors of Poor Rates for the Township of Wolverhampton;—

And to all others whom it may concern.

WHEREAS the Borough of Wolverhampton (herein-after referred to as "the Borough") is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority and the unrepealed provisions of the Wolverhampton Improvement Act 1869 as altered by the Wolverhampton Corporation Act 1904 (each of which Acts is herein-after referred to as the Act of the year in which it was passed) by a Provisional Order of the Local Government Board dated the Seventh day of June One thousand eight hundred and eighty-eight (herein-after referred to as "the Order of 1888") which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 13) Act 1888 by a Provisional Order of the Local Government Board dated the Sixteenth day of May One thousand eight hundred and ninety-three which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1893 and by certain other Local Acts and Provisional Orders duly confirmed by Parliament which do not affect the subject-matter of this Order are in force in the Borough;

32 & 33 Vict.
c. cxxxi.
4 Edw. 7.
c. xcix.

51 & 52 Vict.
c. clxvii.
56 & 57 Vict.
c. clxxxix.

And whereas the Township of Wolverhampton (herein-after referred to as "the Township") is co-extensive with the Borough and is included in the Wolverhampton Union;

And whereas by Section 156 of the Act of 1869 it is provided that the water rent payable to the Corporation for the supply of water in the limits within which they are authorised to supply water shall be paid in equal quarterly payments in advance by the person requiring receiving or using such supply;

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Provisional Orders Confirmation (No. 8) Act, 1913.

A.D. 1913.
Wolverhampton Order.

And whereas by Section 322 of the Act of 1869 provision was made for the establishment for the purposes of that Act of an improvement fund (herein-after referred to as "the Improvement Fund") into which should be paid the moneys specified in that section and out of which should be paid all the expenses of the Corporation including the sewerage expenses except such as were under the enactments referred to in the section payable out of the borough fund ;

And whereas by Section 323 of the Act of 1869 as altered by Article XV. of the Order of 1888 it was provided that in case the Improvement Fund was at any time insufficient to pay the expenses payable thereout the Corporation should from time to time annually or oftener as and when they thought fit estimate as correctly as might be the amount in addition to the Improvement Fund which would be sufficient to pay those expenses and should raise the same by means of a rate (therein called and herein-after referred to as "the Improvement Rate") to be made assessed and levied according and subject to the provisions contained in the said Section 323 ;

And whereas by Section 327 of the Act of 1869 as altered by Article XVI. of the Order of 1888 provision was made for the rating at the option of the Corporation of the owner instead of the occupier of the property in the cases mentioned in the said section and as to the manner in which the owner should be assessed ;

And whereas by Section 82 of the Act of 1904 the Corporation were empowered to levy the Improvement Rate either in one sum or by any number of instalments of such amounts and to be paid at such times as they should from time to time fix and determine at the time of making the rate ;

And whereas it is expedient that the Corporation should be empowered to appoint additional officers and servants for the purpose of the collection of the Improvement Rate and other rates levied in the Borough and in connexion with the work incidental thereto and that provision in the matter should be made as herein-after mentioned ;

And whereas by an order dated the First day of April One thousand nine hundred and three the Local Government Board directed that the Township should for the purpose of the collection of the poor rates be divided into three districts termed respectively the No. 1 District the No. 2 District and the No. 3 District and that the Guardians of the Poor of the Wolverhampton Union should appoint a Collector of the Poor Rates for each of such districts and in pursuance of such order William Henry Sanlon has been appointed the collector for the No. 1 District Edwin Bibb has been appointed the collector for the No. 3 District and the office of collector for the No. 2 District is now vacant ;

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxxii.]
Provisional Orders Confirmation (No. 8) Act, 1913.

And whereas it is proposed that the power of the said Guardians to appoint Collectors of the Poor Rates for the Township should cease and determine and that the said William Henry Sanlon and Edwin Bibb should become officers of the Corporation and the said William Henry Sanlon and Edwin Bibb have consented to the proposal subject as in this Order provided;

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And whereas by an order dated the Twenty-ninth day of December One thousand nine hundred and eleven made by the Local Government Board under Section 33 of the Local Government Act 1894 the power and duty of appointing Overseers and the power of appointing and of revoking the appointment of any Assistant Overseer for the Township has been transferred to the Corporation;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Act of 1869 as altered as aforesaid in the manner herein-after set forth:

Now therefore We the Local Government Board in the exercise of the powers given to Us by Section 303 of the Public Health Act 1875 do hereby order that from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order") the Act of 1869 as altered as aforesaid shall be further altered so that the following provisions shall have effect that is to say:—

38 & 39 Vict.
c. 55.

Art. I. From and after the Thirty-first day of March One thousand nine hundred and fourteen Section 156 of the Act of 1869 shall have effect as if for the word "quarterly" there were substituted the word "half-yearly":

Water rent
to be payable
half-yearly in
advance.

Provided that the said section as so amended shall not have effect so as to empower the Corporation to issue a demand in respect of any water rent before the commencement of the half-year for which the water rent is payable.

Art. II.—(1) In order to raise the amount estimated by the Corporation from time to time to be sufficient in addition to the Improvement Fund to pay the expenses payable out of the Improvement Fund the Corporation may instead of themselves making assessing levying and collecting the Improvement Rate order the Overseers of the Township to make assess levy and collect the same and any Improvement Rate so made by the Overseers shall subject to the provisions of this Order be made assessed levied and collected in accordance with and subject to the provisions of the Act of 1869 as altered by the Act of 1904 and the Orders of 1888 and 1893.

Corporation
may require
Overseers to
levy Im-
provement
Rate.

(2) For the purpose of making assessing levying and collecting the Improvement Rate as aforesaid the Overseers of the Township shall have exercise and be subject to all the powers rights duties and liabilities of the Corporation and their officers for making assessing levying and

[Ch. cxxxii.] *Local Government Board's* [3 & 4 GEO. 5.]
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A.D. 1913. collecting such rate under the provisions of the Act of 1869 as altered
Wolverhampton Order. as aforesaid and those provisions shall be deemed to be altered and
have effect accordingly and in default of compliance with any order
of the Corporation in pursuance of subdivision (1) of this Article
the Overseers shall be subject to all provisions and penalties provided
by law concerning non-payment of contribution to a borough rate :

Provided that in the application of Section 333 of the Act of 1869
to an Improvement Rate made by the Overseers that section shall have
effect as if for the words "sealed with the common seal of the Cor-
poration" there were substituted the words "signed by the Overseers
of the Poor of the Township of Wolverhampton" :

Provided also that nothing in this subdivision shall be deemed to
deprive the Corporation of their powers under the provisions of
Section 327 of the Act of 1869 as altered by the Order of 1888 or
under the provisions of Section 331 or Section 338 of that Act and
the Overseers in making assessing levying and collecting any Improve-
ment Rate shall give due effect to any direction or decision of the
Corporation under or for the purposes of any of those sections.

Accounts of
Overseers in
respect of
Improve-
ment Rate.

42 Vict. c. 6.

(3) The Overseers shall prepare and submit to the district auditor
at every audit of their accounts a financial statement in duplicate in the
form and containing the particulars from time to time prescribed by the
Local Government Board in respect of the Improvement Rate One of
such duplicates shall have a stamp according to the scale contained in
the District Auditors Act 1879 affixed thereon and the amount of such
stamp shall be calculated according to the total of the sums paid to
the Corporation during the period to which the statement relates and
the provisions of the District Auditors Act 1879 as to the duties of
the auditor with reference to such duplicates shall apply as if the said
duplicates were prepared and submitted under that Act.

(4) The Corporation shall repay to the Overseers the amount of any
stamp duty which may be paid by them upon any financial statement
pursuant to the provisions of this Article.

(5) The provisions of Sections 5 and 6 of the District Auditors
Act 1879 shall apply to the accounts of the overseers as if the overseers
were a local authority within the meaning of that Act and to the stamp
duty on such financial statements as aforesaid and any overseer who
shall fail to comply with the provisions of this Article with respect to
a financial statement shall be liable to the penalty provided in
Section 7 of that Act.

Appointment
of additional
clerical officers
and servants of
Corporation.

Art. III.—(1) The Corporation may appoint and remove such officers
and servants as they deem necessary for the purpose of affording
assistance in connection with the collection of the Improvement Rate
and other rates levied in the Borough and in connection with the

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxxii.]
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work incidental thereto and fix the remuneration to be paid to such officers and servants. A.D. 1913.

(2) The remuneration of such officers and servants and the expenses incurred by them in the performance of their duties shall be apportioned to and paid out of such of the rates levied in the Borough in such manner and in such proportion as may from time to time in each case be determined by the Corporation.

Wolverhampton Order.

(3) All officers and servants so appointed shall give such security for the due performance of their duties as may be required by the Corporation and every such security shall be deposited with the Corporation.

(4) The powers conferred by this Article shall be deemed to be in addition to and not in substitution of the powers possessed by the Corporation in regard to the appointment of Assistant Overseers under the provisions of the general law.

Art. IV.—(1) From and after the commencement of this Order the power of the Guardians of the Poor of the Wolverhampton Union to appoint paid Collectors of the Poor Rates of the Township shall cease and be determined and the said William Henry Sanlon and the said Edwin Bibb if holding at that date the office of Collector of the Poor Rates for the No. 1 District and the No. 3 District of the Township shall be transferred to and become officers of the Corporation and each of those officers (hereinafter referred to as "the transferred officers") shall be deemed to have been appointed to the office of Assistant Overseer for the Township by the Corporation and shall hold such office on the same tenure and on the same terms and conditions as at that date apply to him in respect of his office of Collector of the Poor Rates and shall while holding office under the Corporation receive not less salary or remuneration than he would have received if this Order had not been made.

Transfer of
Collectors of
Poor Rates
for Districts
No. 1 and
No. 3 to
office of
Assistant
Overseer
under Corpo-
ration.

(2) If either of the transferred officers is required to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform at the date of the transfer the Corporation shall pay him such additional remuneration as in the opinion of the Corporation the circumstances merit or as the Local Government Board may in the event of difference between the Corporation and the officer determine.

(3) The provisions of the Poor Law Officers' Superannuation Act 1896 shall apply to the transferred officers and shall have effect subject to the following modifications that is to say:—

Poor Law
Officers' Su-
perannuation
Act 1896 to
apply to
officers trans-
ferred.

(a) references to the Corporation shall be substituted in the said provisions for references to the guardians and the said provisions shall in other respects apply and have effect as if

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the Corporation were within the meaning of those provisions an authority to which the Act applies ;

(b) the contributions of the transferred officers shall from and after the date of the transfer be carried to and form part of the borough fund and any superannuation allowance or gratuity under the said provisions shall be paid by the Corporation out of the borough fund.

Short title.

Art. V. This Order may be cited as the *Wolverhampton Order 1913.*

Given under the Seal of Office of the Local Government Board
this Sixth day of May One thousand nine hundred and
thirteen.

(L.S.)

JOHN BURNS President.

H. C. MONRO Secretary.

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