



CHAPTER xlix.

An Act to empower the mayor aldermen and citizens of the city of Coventry to provide and run motor omnibuses to confer further powers with regard to the water supply of the city to extend the areas of supply of gas and electricity and for other purposes. A.D. 1913.

[15th August 1913.]

WHEREAS the city of Coventry is under the local government and management of the mayor aldermen and citizens of the city (in this Act called "the Corporation" and "the city" respectively):

And whereas the Corporation are the owners of and work the tramways within the city and neighbourhood and it is expedient to authorise the Corporation to provide and work motor omnibuses within the city as in this Act provided:

And whereas by several Acts of Parliament the Corporation have been empowered to construct waterworks for the supply of water within the city and certain places adjoining and by the Coventry Corporation Act 1907 the Corporation were empowered to make and maintain additional waterworks and the lord mayor aldermen and citizens of the city of Birmingham (in this Act called "the Birmingham Corporation") were by that Act empowered to give and the Corporation to take from the Birmingham Corporation a supply of water in bulk upon the terms and conditions set forth in that Act:

And whereas the lands necessary for the construction of the works authorised by the last-mentioned Act have been purchased but the time for the construction of the service tank authorised by that Act has expired and it is expedient to revive the power to construct it as by this Act provided:

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And whereas the supply of water from the present waterworks of the Corporation together with the supply which the Corporation are empowered to take from the Birmingham Corporation are inadequate to meet the existing and growing demands of the inhabitants of the districts included within the limits within which the Corporation supply water and it is therefore expedient to empower the Birmingham Corporation to supply to the Corporation and the Corporation to take from the Birmingham Corporation a further quantity of water in bulk upon the terms and conditions set forth in this Act:

And whereas the Corporation are empowered to supply gas and electricity within the city and in certain places adjoining the city and it is expedient that the areas for the supply of gas and electricity by the Corporation should be extended as by this Act provided:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

For and in connection with the provision of	£
motor omnibuses	15,000

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

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):—

Short title.

1. This Act may be cited as the Coventry Corporation Act 1913.

2. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

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Incorporation of Acts.

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement).

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

Interpretation.

“The Corporation” means the mayor aldermen and citizens of the city of Coventry;

“The city” means the city of Coventry;

“The town clerk” means the town clerk of the city;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the city;

“The Act of 1856” “the Act of 1898” “the Act of 1900” and “the Act of 1907” mean respectively the Coventry Gas Act 1856 the Coventry Corporation Gas Act 1898 the Coventry Corporation Act 1900 and the Coventry Corporation Act 1907.

4.—(1) The Corporation may provide (but shall not manufacture) and may run motor omnibuses within the city and may demand take and recover such reasonable fares and charges for the conveyance of passengers therein as may be approved by the Board of Trade.

Power to provide and run motor omnibuses.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such motor omnibuses but the Corporation shall not create or permit any nuisance on any such lands.

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(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon their motor omnibuses provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Corporation shall perform in respect of the motor omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(6) In this section the expression "motor omnibus" means any stage carriage moved by mechanical power (including in that expression steam electrical and every other motive power not being animal power) contained in or carried along with such carriage.

(7) The undertaking authorised by this section shall be deemed to form part of the tramway undertaking of the Corporation.

Power to
retain sell
&c. lands.

5. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of
sale of sur-
plus lands.

6. The proceeds of the sale of any lands or other property of the Corporation under the powers of this Act and the fines and premiums on any leases granted by the Corporation under this Act shall be distinguished as capital in the accounts of the

Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be re-borrowed.

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7.—(1) The motor omnibuses may be used for the carriage of parcels not exceeding fifty-six pounds in weight but the Corporation shall not be bound to carry parcels other than personal luggage not exceeding twenty-eight pounds in weight carried by passengers.

Rates for parcels.

(2) The Corporation may demand take and recover in respect of the carriage of parcels upon the motor omnibuses rates or charges not exceeding the rates and charges which the Corporation may demand and take for the carriage of small packages conveyed on the Corporation tramways under section 43 (Animals and goods) of the Coventry Electric Tramways Act 1897.

8.—(1) Where any tree overhangs any highway along the motor omnibus routes which may in any way obstruct or interfere with the clear and safe passage of the motor omnibuses and the passengers thereon the Corporation may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to lop the tree within seven days after service of such notice so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

Trees overhanging highways.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be endorsed on every notice served by the Corporation under this section.

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Shelters or waiting rooms.

9. The Corporation may erect and maintain within the city sheds or shelters or waiting-rooms for the accommodation of passengers and of the Corporation's servants on the motor omnibus routes and may use for that purpose portions of the public streets or roads.

Revival of powers to construct works authorised by Act of 1907.

10. The powers of the Corporation for making completing and maintaining—

A service tank in the city adjoining the southern of the two existing service reservoirs of the Corporation at Coundon authorised by the Act of 1907 are hereby revived and such powers may be exercised by the Corporation at any time during seven years from the passing of this Act and section 9 (Period for completion of works) of the Act of 1907 shall be read and have effect accordingly On the expiration of the said period the powers hereby revived for making and completing the said service tank shall cease except as to so much thereof as shall then be completed.

Confirmation of agreement between Birmingham Corporation and Corporation with regard to supply of water.

11. The terms of agreement set forth in the schedule to this Act are hereby confirmed and made binding as from the date of the said terms of agreement upon the lord mayor aldermen and citizens of the city of Birmingham and the Corporation as if the same were contained in an agreement duly entered into by those parties and confirmed by Act of Parliament and the agreement dated the twenty-ninth day of August one thousand nine hundred and twelve and made between the same parties is hereby declared to be null and void so far as the same differs from the terms of agreement hereby confirmed and the provisions of section 10 (Supply of water by Birmingham to Coventry) of the Act of 1907 shall be read and have effect as if amended in accordance with the terms of agreement set forth in the schedule to this Act.

Extension of gas limits.

12. The limits within which the Corporation may supply gas shall extend to and include the parish of Keresley the part of the parish of Stoneleigh coloured red on the map signed by Hugh Law Esquire 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 and another copy of which has been deposited in the Private Bill Office of the House of Commons) the Bell Green and Bulkington Road and the premises abutting upon each side of it in the parish of Walsgrave-on-Sowe from the boundary of the parish of Foleshill

to Tusses Canal Bridge and the London Road and the premises abutting upon each side of it in the parish of Willenhall from the boundary of the parish of St. Michael-without-Coventry to Willenhall House all in the county of Warwick in addition to the limits of supply authorised by the Act of 1856 and the Act of 1898 and the Corporation may for the purposes of such supply exercise within the said parish and parts of parishes the same powers as they are authorised to exercise under the Acts and Order relating to their gas undertaking within the limits authorised by the Act of 1856 and the Act of 1898 and shall be subject to the same obligations as they are subject to in respect of gas supply under the said Acts and Order.

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13. The following provisions of the Act of 1856 are hereby repealed (namely):—

Repeal of sections of Act of 1856.

Section 38 (Proofs of debts in bankruptcy &c.);

Section 49 (Penalty for fraudulently consuming of gas);

Section 56 (Recovery of money by distress);

Section 57 (Several names &c. in one warrant);

Section 58 (Costs of distress);

Section 59 (Small sums recoverable in county courts).

14. The provisions of subsections (2) and (3) of section 23 of the Act of 1898 for the protection of the London and North Western Railway Company shall apply to the limits of supply for gas as extended by this Act.

For protection of London and North Western Railway Company.

15.—(1) It shall be lawful for the Corporation to supply electrical energy for public and private purposes within the part of the parish of Stoneleigh in the county of Warwick coloured red on the map referred to in the section of this Act of which the marginal note is "Extension of gas limits" and that part of the parish of Stoneleigh shall be added to the area of supply for the purposes of the Coventry Electric Lighting Order 1891 as extended by the Coventry (Extension) Order 1899 and the Act of 1907 and the provisions relating to the supply of electricity of the said Orders and Act and of the Act of 1900 shall extend and apply to the said area of supply as so extended.

Extension of area of supply of electricity.

(2) The period within which the local authority within whose jurisdiction the said parish of Stoneleigh is situate may under section 2 of the Electric Lighting Act 1888 require the Corporation to sell to them so much of the undertaking as is within

A.D. 1913. their jurisdiction shall be six months after the expiration of forty-two years from the passing of this Act and within six months after the expiration of every subsequent period of ten years.

(3) Nothing in this section shall be deemed to extend and make applicable to the said part of the parish of Stoneleigh the provisions of sections 43 (For protection of certain boroughs and urban district councils) and 52 (Limitation of powers over certain boroughs and urban districts) of the Leicestershire and Warwickshire Electric Power Act 1902 or affect the provisions of section 5 (Transfer of undertakings of local authorities and others to company) of the Leicestershire and Warwickshire Electric Power Act 1904.

Compulsory
works.

16. The part of a street throughout which the Corporation are to lay down suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the passing of this Act in accordance with the provisions of section 21 of the schedule to the Electric Lighting (Clauses) Act 1899 is as follows:—

Kenilworth Road from the city boundary past Burnt Post to the lane leading to Canley.

For protec-
tion of War-
wickshire
County
Council.

17. In executing the works and exercising the powers relating to the supply of gas and electricity by this Act authorised so far as they affect the main roads and county bridges in the county of Warwick the following provisions for the protection of the Warwickshire County Council (in this section called "the county council") shall have effect (instead as regards the supply of electricity of the provisions of sections 15 and 16 of the schedule to the Electric Lighting (Clauses) Act 1899 incorporated with the Act of 1907) unless otherwise agreed on in writing between the county council and the Corporation (that is to say):—

(1) All mains pipes apparatus or works not being service pipes or renewals of existing mains pipes or works to be laid in or along any road or above or alongside of any road bridge or the approaches thereto shall be constructed and laid in such position having regard to all the circumstances as the county council shall by writing under the hand of their surveyor reasonably direct and in such manner and according to such plan as is hereinafter mentioned and the gradient of such bridge and of the respective approaches thereto shall not be altered;

- (2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall (except in cases of emergency) as regards any road or any bridge be not less than fourteen clear days instead of three clear days: A.D. 1913.
- (3) All works to be constructed or laid in or along or across or in any way affecting any road or affecting any road bridge or any approach thereto shall be executed at the expense of the Corporation under the superintendence if the same be given and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and reasonably approved of by him in writing before the commencement of any such work (except in case of emergency when the Corporation may proceed forthwith with the work after giving such notice as the circumstances admit) Provided that if the said surveyor shall not within twenty-one days after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:
- (4) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any road or road bridge or of any approach thereto and all such works shall be proceeded with and completed with all possible despatch:
- (5) Nothing in this Act contained shall interfere with the right of the county council at any time or times to divert widen or improve any such road or to remove alter widen or renew any such road bridge or the approaches thereto in alongside or near to which any such mains pipes apparatus or works are carried without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion widening improvement removal alteration or renewal and in the event of any such road or bridge or the approaches thereto being diverted widened or improved removed altered or renewed as aforesaid so as to involve interference with any main pipe apparatus or work of the Corporation the Corporation shall at the expense of the county council in the case of roads

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and at the expense of the Corporation in the case of bridges and approaches after receiving reasonable notice in writing under the hand of the said surveyor remove or alter the position of such main pipe apparatus or work in such manner and to such extent as may be reasonably prescribed by such notice and shall where necessary replace the same to the reasonable satisfaction of the said surveyor Provided that before and during any such diversion widening improvement removal alteration or renewal as aforesaid the county council shall afford reasonable facilities for temporarily carrying such mains or pipes along the road or across the stream so as not to interrupt the continuous supply of gas and electricity :

- (6) If any difference arise between the Corporation and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

Power to borrow.

18.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely):—

1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(a) For the purchase of land and the erection of buildings for the purposes of the motor omnibus undertaking.	£3,800	Forty-five years from the date or dates of borrowing.
(b) For the provision of motor omnibuses.	£11,200	Five years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Local Government Board borrow such further moneys as may be necessary for any of the purposes of this Act. Any moneys borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

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19. For the repayment of all moneys to be borrowed in pursuance of this Act for the purpose of the motor omnibus undertaking of the Corporation and for paying the costs charges and expenses of this Act and for the payment of all interest on the said moneys the revenues of the motor omnibus undertaking and of the tramway undertaking of the Corporation and the borough fund and borough rate are hereby primarily made chargeable and the provisions of the Act of 1900 as amended by this Act shall apply and have effect accordingly.

Payment off
of borrowed
money.

20. The Corporation shall keep a separate account of the receipts and expenditure of their motor omnibus undertaking on capital and revenue account.

Separate account
of motor omnibus
undertaking to be
kept.

21.—(1) The Corporation shall have power—

Power to
re-borrow.

(a) To borrow for the purpose of paying off any principal moneys as defined by section 108 (Security for principal moneys) of the Act of 1900 previously borrowed which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying any such principal moneys previously borrowed and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

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(4) The Corporation shall not have power to borrow in order to replace any such principal moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 50 (Power to re-borrow) of the Coventry Corporation (Gas Purchase) Act 1884 section 34 (Power to re-borrow) of the Act of 1898 and section 119 (Power to re-borrow) of the Act of 1900 are hereby repealed.

Costs of
Act.

22. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund or out of the borough fund or out of both of them in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the foregoing Act.

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MEMORANDUM OF AN AGREEMENT made the twenty-ninth day of August one thousand nine hundred and twelve between the LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF BIRMINGHAM (hereinafter called "Birmingham") of the one part and the MAYOR ALDERMEN AND CITIZENS OF THE CITY OF COVENTRY (hereinafter called "Coventry") of the other part.

WHEREAS under section 10 of the Coventry Corporation Act 1907 (hereinafter called "the Act") Birmingham supply water to Coventry up to a maximum quantity of two million gallons per diem upon the terms set out in the section :

And whereas Coventry require an additional supply and Birmingham have agreed to afford the same on the terms hereinafter appearing :

Now it is hereby agreed by and between the parties hereto that Birmingham shall give to Coventry and Coventry shall take a supply of water for the period between the thirty-first day of March one thousand nine hundred and twelve and the thirty-first day of March one thousand nine hundred and sixty-seven upon the same terms (including indemnities) as are set out in the Act except as follows:—

1. For the last three quarters of the first year of the said period and for any subsequent year until any notice (given under the next clause hereof) shall have expired the maximum quantity of water to be supplied shall be two and a quarter million gallons per diem instead of two million gallons as set out in the Act and the minimum quarterly payments shall be one thousand seven hundred and eleven pounds instead of one thousand two hundred and fifty pounds as set out in the Act the maximum hourly delivery remaining as set out in the Act.

2. After the first year of the said period Coventry may call upon Birmingham to give a supply up to a total maximum of three million gallons a day Such maximum shall not be reached except by increases of one quarter million gallons a day or any multiple thereof Coventry shall give Birmingham six calendar months' previous written notice of the first of any such increases and three calendar months' similar notice of any subsequent increase any such notice to expire with the first or any subsequent year of the said period.

3. On the expiration of any such notice the respective minimum quarterly payments set out in the second column of the following table

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A.D. 1913. shall for the remainder of the said period be made instead of the said payment of one thousand seven hundred and eleven pounds the hourly deliveries not in any case to exceed a maximum of one hundred and twenty-five thousand gallons:—

1.	2.	3.
Maximum daily Quantity notified (including amount previously liable to be supplied).	Minimum quarterly Payment.	Number of Gallons covered by minimum quarterly Payment.
2 $\frac{1}{2}$ million gallons - - - -	£1,901	114,062,500
2 $\frac{3}{4}$ million gallons - - - -	£2,091	125,468,750
3 million gallons - - - -	£2,281	136,875,000

And when any quarterly consumption exceeds the amount stated in the third column the amount consumed during the quarter in question shall be paid for at the rate of fourpence per one thousand gallons.

4. The Venturi meter referred to in the Act shall be altered forthwith by Birmingham so as to increase its capacity to three million gallons per diem and Coventry will as and when ascertained pay the cost of the necessary alteration such cost not to exceed one hundred pounds.

5. As soon as notice shall have been given to supply a total maximum daily quantity of two and a half million gallons such alterations or additions shall be made in the engines delivering the supply as will enable Birmingham to deliver a total supply of three million gallons per diem Coventry will as and when ascertained pay the cost of such alterations or additions such cost not to exceed five hundred pounds.

6. Coventry will give Birmingham twenty-four hours' notice of any alteration in the daily quantity required until the thirty-first March one thousand nine hundred and thirteen and after that day forty-eight hours' notice.

7. Parliamentary sanction to this agreement shall be sought by Coventry as soon as conveniently possible the respective parties hereto to bear their own costs of any parliamentary proceedings having that object.

8. Section 12 of the Act shall be deemed to apply to any difference arising in connection with this agreement.

9. This agreement is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein either party may withdraw from the agreement.

[3 & 4 GEO. 5.] *Coventry Corporation Act, 1913.* [Ch. xlix.]

In witness whereof Birmingham and Coventry have hereunto A.D. 1913.
affixed their corporate seals the day and year first before written.

HUGH J. T. McILVEEN Deputy Town Clerk.

Common seal
of the lord mayor
aldermen and
citizens of the city
of Birmingham.

The corporate seal of the mayor aldermen
and citizens of the city of Coventry was
hereunto affixed and the same counter-
signed by WILLIAM FITZTHOMAS WYLEY
Esquire Mayor in the presence of

The mayor
aldermen and
citizens of the
city of Coventry
18 Edw. III.

C. H. WOOD

Clerk to Mr. GEO. SUTTON
Town Clerk Coventry.

W. F. WYLEY Mayor..

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