

**CHAPTER cxc.**

An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Craster. A.D. 1905.
[11th August 1905.]

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict.
c. 45.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of 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 Order set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirmation
of Order in
schedule.

2. This Act may be cited as the Pier and Harbour Order Confirmation (No. 1) Act 1905. Short title.

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SCHEDULE.

CRASTER HARBOUR.

*Craster. Provisional Order under the General Pier and Harbour Acts.**Preliminary.*

- Short title. 1. This Order may be cited as the Craster Harbour Order 1905.
- Commencement of Order. 2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order."
- Undertakers. 3. Thomas William Craster of Craster Tower in the County of Northumberland and his heirs and assigns owner and owners for the time being of the estate known as South Craster shall be the Undertakers for carrying this Order into execution and are in this Order referred to as "the Undertakers."

Acquisition of Lands.

- Incorporation of Lands Clauses Acts. 4. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "Special Act" in those Acts shall mean this Order.
- Power to take lands by agreement. 5. For the purposes of the works authorised by this Order the Undertakers may purchase by agreement and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as they may think requisite for the purposes of those works.
- Power to take easements &c. by agreement. 6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Order grant any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in or over or affecting any such lands and the provisions of the said Acts with respect to lands so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

Limits.

- Limits. 7.—(1) The limits within which the Undertakers shall have authority and within which the powers of the harbour master may be exercised shall comprise the area enclosed by an imaginary line commencing on a point at high-water mark five hundred and thirty feet or thereabouts north of the northernmost cottage in the village of Craster existing at the commencement

of this Order and extending in an easterly direction to the outer side of Little Carr Rock thence in a southerly direction to the northernmost end of Muckle Carr Rock and thence in a southwesterly direction to a point at high-water mark three hundred feet or thereabouts south of the "Jolly Fisherman" public-house which limits are in this Order termed "the limits of this Order."

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(2) A map or plan showing the limits of this Order having been signed in triplicate by an Assistant Secretary to the Board of Trade one copy thereof shall within two weeks after the commencement of this Order be deposited at the office of the Board of Trade another copy thereof shall be deposited with the clerk of the peace for Northumberland and another copy thereof shall be deposited at the office of the Undertakers.

(3) In case of any discrepancy with the limits delineated on the said map or plan and the limits described in the first subsection of this section the said map or plan shall be deemed to be correct and shall prevail.

(4) The limits within which the power to levy rates may be exercised (herein-after termed "the rating limits") shall comprise the north and south piers by this Order authorised to be made and the area lying within two hundred feet measured seaward from any part of those piers or either of them.

Works and Powers.

8. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before completion of the works the Undertakers may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections make and maintain the works authorised by this Order.

Power to construct works.

9. The works authorised by this Order are—

Description of works.

(a) A road commencing at a point two hundred and thirty feet or thereby in a southerly direction measuring from the north end of the northmost cottage in the village of Craster existing at the commencement of this Order in the row of cottages which face the sea and measuring thirty-five feet or thereby in an easterly direction from the east side of the said row of cottages and continuing for seventy feet or thereby in a south-easterly direction :

(b) A north pier or breakwater commencing at the end of the road aforesaid and continuing for two hundred and ten feet or thereby in a south-easterly direction and terminating at about low-water mark of ordinary spring tides :

(c) A south pier or breakwater commencing at a point thirty-five feet or thereby measuring in an easterly direction from the north-east corner of the eastmost outbuilding on the south side of

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the present haven and at right angles to the east side of the said outbuilding and extending for one hundred and fifty feet or thereby in a north-easterly direction and from thence for seventy feet or thereby in a northerly direction and terminating at or about low-water mark of ordinary spring tides :

- (d) The excavation to the level of low water of spring tides of half an acre or thereby in area of the present haven inside of the intended piers or breakwaters.

The south pier will be wholly solid The north pier is to be formed of inner and outer walls with cross walls at intervals and the spaces between will be filled with rubble stone and sand and covered with concrete.

Power to deviate.

10. In constructing the works authorised by this Order the Undertakers may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Power to maintain and improve works.

11. The Undertakers may maintain and improve the above works.

Consent of Board of Trade to works.

12. No part of the works authorised by this Order below high-water shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Power to dredge.

13.—(1) The Undertakers may within the limits of this Order deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the piers for vessels using the same.

(2) All sand mud and other materials dredged up or removed within the limits of this Order shall be the property of the Undertakers and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

Power to purchase or hire dredgers &c.

14. The Undertakers may for the purposes of this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells tools plant or other materials as they may think fit and may demand and receive such reasonable sums for the use of the same as they may think fit or may sell or dispose of the same and the money realised by any sale thereof shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

Meters and weighers.

15. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

16.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade.

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cease in cer-
tain events.

(2) If the works authorised by this Order shall after having been substantially commenced are virtually suspended for twelve consecutive months the powers by this Order given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as has then been completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

17.—(1) Without prejudice to the power to make byelaws conferred by Section 83 of the Harbours Docks and Piers Clauses Act 1847 the Undertakers may make byelaws for the regulation and control of vessels and boats within the limits of this Order and for the regulation and control of the fishermen and others frequenting or resorting to or employed at the piers or within the limits of this Order.

Power to make
byelaws.

(2) The byelaws may provide for imposing and recovering a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(3) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(4) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Rates.

18. When in addition to the certificate to be granted under Section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Undertakers may within the rating limits subject and according to the provisions of this Order demand receive and recover for the use of those works and the conveniences connected therewith and in respect of vessels boats persons goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Power to levy
rates.

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Rates may be levied though works not completed.

19. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Undertakers that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking or the shipping and unshipping of passengers animals or goods by means of those works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand recover and receive such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Board be commensurate with the increased accommodation afforded.

Power to vary exemptions and compound for rates.

20. The Undertakers may confer vary or extinguish exemptions from and compound with any person with respect to the payment of the rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Power to lease undertaking or rates.

21.—(1) The Undertakers may lease for any term not exceeding seven years the rates and charges authorised by this Order to be taken upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they may think fit.

(2) Where the rates or other charges are leased under this section the lessee during the continuance of his lease shall have and may exercise all or any of the powers conferred upon the Undertakers by this Order (including powers of levying and recovering rates and charges) which the Undertakers have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to the same provisions as to accounts and otherwise as the Undertakers are made subject to under this Order.

Rates for warehouses &c.

22. The Undertakers may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they may think reasonable for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Undertakers or in respect of any services rendered by them in connection with the landing and storage of goods animals fish and things.

Master of fishing vessel to report take of fish.

23. The master or owner of any vessel with a take or cargo of fish shall on the arrival of the vessel within the limits of this Order forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Harbour master may prevent sailing of vessels.

24. The harbour master may prevent the removal or sailing from within the limits of this Order of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been

produced to him of the payment of those rates to the collector and in case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in the account of his take or cargo of fish required by this Order.

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25. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to come within the rating limits or make use of the piers or either of them and not breaking bulk while within the rating limits be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

26. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Undertakers.

Exemption of lifeboat crew.

27. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise:—

Application of rates received.

(1) In payment of the costs of and connected with the preparation and making of this Order:

(2) In payment of the expense properly chargeable to revenue of the maintenance repair and management of the undertaking and all conveniences connected therewith:

(3) The surplus (if any) shall belong to the Undertakers absolutely.

28. If at any time the clear annual income derived from the rates and charges authorised by this Order on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed exceeds interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

Board of Trade may reduce rates.

29.—(1) The Undertakers shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

Annual account to be sent to Board of Trade. 25 & 26 Vict. c. 19.

(2) The account shall be made up to the end of the thirty-first day of March in each year.

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(3) The Undertakers shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

Life-Saving Apparatus.

Portions of
Harbours
Clauses Act
excepted.
10 & 11 Vict.
c. 27.

30.—(1) Sections 16 to 19 inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

(2) The Undertakers shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near one of the piers and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Undertakers fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving
apparatus may
be attached to
pier.

31. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of each of the piers spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the piers or either of them.

Lifebuoys to
be kept.

32. The Undertakers shall at all times keep at convenient places on each of the piers and in obedience to any requirements which may from time to time be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lights.

Lights during
construction of
works.

33.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given.

Lights after
completion of
works.

34.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of each of the piers or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation

as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.

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(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction.

35.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken.

As to buoys and lights and care in case of decay of works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction.

Miscellaneous.

36. For all the purposes of the Harbours Docks and Piers Clauses Act 1847 this Order shall be deemed the Special Act.

Application of Harbours Clauses Act 1847. 10 & 11 Vict. c. 27.

37. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

Recovery of penalties.

38. Sections 28 and 29 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Exemptions and savings for Government departments.

39. This Order shall not operate to take away prejudice or abridge such right title or interest (if any) as Frederick Charles Marshall and Sir Jacob Wilson the present trustees of the will of the late Samuel Eyres deceased or other the owners or owner for the time being of the Dunstanburgh Castle Estate and of the manorial rights appurtenant to the manors of Stamford and Dunstanburgh may have in to or over the foreshore within the limits of this Order Provided always that nothing herein contained shall be held to recognise or confirm any right title or claim of the said trustees or other the owners or owner aforesaid to the foreshore aforesaid but the right and title to such foreshore shall remain in the same state as if this Order had not been made.

Saving rights of owners of Dunstanburgh Castle Estate.

40. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of

Saving rights of Crown.

A.D. 1905. Woods or of the Board of Trade without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give).

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Works to be
in parish of
Embleton.

41. The works authorised by this Order shall be deemed to be for all purposes within the parish of Embleton and in the rural district of Alnwick both in the county of Northumberland.

Costs of Order.

42. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Undertakers.

The SCHEDULE above referred to.

PART I.—TONNAGE DUTIES.

	£	s.	d.
For each vessel to or from any port or place on the East Coast of Scotland or England entering the rating limits to load or unload per register ton... ..	0	0	4
For each such vessel windbound or otherwise and not loading or unloading and not paying the aforesaid rate per register ton	0	0	2
For each steam tug entering the rating limits towing or to tow vessels each time	0	2	6
For each vessel to or from all other ports or places in Great Britain or Ireland per register ton	0	0	6
For each such vessel windbound or otherwise and not loading or unloading and not paying the aforesaid rate per register ton	0	0	3
For each vessel to or from foreign ports or places per register ton	0	0	6
For each such vessel windbound or otherwise and not loading or unloading and not paying the aforesaid rate per register ton	0	0	4
For each vessel leaving the rating limits and putting back by stress of weather without having accomplished the voyage no additional rate shall be charged on such return.			
For each vessel or boat remaining within the rating limits beyond a fortnight for each additional week after the first fortnight (a fraction of a week being considered as a week) per register ton	0	0	1
For each pleasure boat coming within the rating limits:—			
For cobbles or other small boats each time 6d. or per season	1	0	0
For larger vessels each time 1s. or per season	1	10	0
For steamers each time 2s. 6d. or per season	2	0	0

PART II.—RATES FOR VESSELS AND FISHING BOATS EXCLUSIVE
OF THEIR CARGOES.

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	£	s.	d.
Craster herring boats for the year each	2	10	0
Craster cobbles for the year	0	15	0
All other boats engaged in the herring fishery as composition in full of tonnage duty for the period of the herring season from 1st May to 1st October payable in advance for every foot in length of the boat over all	0	1	0
Every boat loading or discharging herrings not paying the aforesaid composition shall on each occasion of entering the rating limits pay	0	2	0
And when windbound or otherwise and not loading or discharging and not paying the aforesaid rate	0	1	6
Every boat engaged in the white fishery as a composition in full of tonnage duty for the period of the white fishery from 1st October to 1st May payable in advance for every foot in length of the boat over all	0	1	0
Every boat loading or discharging white fish not paying the aforesaid composition shall on each occasion of entering the rating limits pay	0	2	0
And when windbound or otherwise and not loading or discharging and not paying the aforesaid rate	0	1	6
Boats engaged in the crab and lobster fishery come under the above rates.			

PART III.—RATES ON ARTICLES OF IMPORT AND EXPORT
BY BOATS OR VESSELS.

	s.	d.
Ballast:—		
Inward whether landed or shifted into another vessel per ton ...	1	6
Outward whether taken out of another vessel or from the quay or shore per ton	1	6
Barrels kits and boxes (empty) per dozen	0	3
Baskets hand per dozen	0	2
Bricks common per 1000	0	6
Bricks stock or fire flat or flooring per 1000	0	8
Canvas or sailcloth per 36 yards	0	1
Carriages or carts 2 wheels	1	6
Carriages or carts 4 wheels	3	0
Casks (empty) each... ..	0	2
Casks if under 36 gallons	0	1
Cement and concrete of all kinds per ton	0	6
Coals per ton	0	6
Cordage twine and netting per cwt,	0	1
Cork and corks per cwt.	0	2
Corn and grain of all sorts per quarter... ..	0	2

A.D. 1905.	Fish viz.—	s.	d.
<i>Craster.</i>	Herrings fresh when landed per barrel of 37½ gallons	...	0 1½
	Herrings cured export or import per barrel of 26¾ gallons	...	0 2
	Salmon fresh salted or dried per cwt.	...	0 1½
	Other fish fresh when landed per cwt.	...	0 1½
	Other fish cured export or import per cwt.	...	0 1½
	Fish offal and refuse per cwt.	...	0 0½
	Livers per cwt.	...	0 0½
	Groceries of all sorts per cwt.	...	0 4
	Hoops wooden per cwt.	...	0 0½
	Hoops iron per cwt.	...	0 2
	Household furniture per cwt.	...	0 3
	Husbandry implements and utensils per cwt.	...	0 2
	Kipper box wood per 1000	...	1 6
	Lime per ton	...	0 6
	Manure street dung and the like per ton	...	0 1½
	Mussels per ton	...	0 6
	Pit props per 120	...	0 1
	Potatoes per ton	...	0 6
	Sails per 50 yards	...	0 2
	Salt per ton	...	0 6
	Slates per ton	...	0 6
	Staves barrel per 120	...	0 1
	Staves cutting or board ends per 1000	...	0 2
	Stones viz.—		
	Rubble per ton	...	0 4
	Road metal per ton	...	0 4
	Whinstone blocks per ton	...	0 4
	All other kinds of stone per ton	...	0 4
	Tiles drain tiles or pantiles per 1000	...	0 6
	Wheels carriage or cart per pair	...	0 3
	Wood on all timber of any denomination not otherwise charged per ton of 50 cubic feet	...	0 4
	Wood mahogany per ton of 40 cubic feet	...	1 0
	All heavy articles not particularly mentioned in schedule per ton	...	0 6
	Every article however small not otherwise charged	...	0 0½

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