



### CHAPTER lxii.

An Act to confirm a Scheme of the Charity Commissioners A.D. 1916.  
for the application or management of certain Charities.

[18th December 1916.]

**W**HEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year one thousand nine hundred and fourteen reported that they had approved and certified a scheme for the application or management of the following charities:—

1. The charity consisting of the Congregational Chapel school and trust property in the township of Great Harwood in the parish of Blackburn in the county of Lancaster to which charity the Charitable Trusts Acts 1853 to 1894 were extended by an order of the Charity Commissioners of the 24th February 1914:
2. The charity consisting of the Congregational Chapel school manse burial ground and trust property at Elswick in the parish of St. Michael on Wyre in the county of Lancaster to which charity the said Acts were extended by an order of the said Commissioners of the 13th January 1914:
3. The charity consisting of the Congregational Chapel school and manse in the parish of Horncastle in the county of Lincoln to which charity the Charitable Trusts Acts 1853 to 1914 were extended by an order of the said Commissioners of the 8th December 1914:
4. The charity consisting of the Congregational Chapel in the parish of Horsington in the county of Lincoln

[Ch. lxii.]                      *Congregational Chapels Scheme* [6 & 7 GEO. 5.]  
*Confirmation Act, 1916.*

A.D. 1916.

to which charity the Charitable Trusts Acts 1853 to 1914 were extended by the said order of the 8th December 1914:

5. The charity consisting of Christ Church Chapel and trust property in the parish of Enfield in the county of Middlesex to which charity the Charitable Trusts Acts 1853 to 1914 were extended by an order of the said Commissioners of the 11th December 1914 including the following subsidiary charities or endowments administered in connexion therewith:—

(1) The charity of Matthias Peter Dupont (otherwise known as the Enfield Trust);

(2) The charity of Rupertia Hill;

(3) The charity known as the Lecture Hall or Sunday School;

(4) The charity known as the British School:

6. The charity consisting of the Congregational Chapel and trust property in the parish of Newcastle-under-Lyme in the county of Stafford to which charity the Charitable Trusts Acts 1853 to 1894 were extended by an order of the said Commissioners of the 19th May 1914:

7. The charity consisting of the Vineyard Congregational Chapel in the parish of Richmond in the county of Surrey to which charity the Charitable Trusts Acts 1853 to 1894 were extended by an order of the said Commissioners of the 6th October 1914:

8. The following charities in the city of Sheffield:—

(1) The charity consisting of Nether Congregational Chapel and trust property to which charity the Charitable Trusts Acts 1853 to 1914 were extended by an order of the said Commissioners of the 8th December 1914;

(2) The charity consisting of the proceeds of sale of the Howard Street Congregational Chapel burial ground and trust property:

And whereas the said scheme is set out in an appendix to the said report:

And whereas it is expedient that the said scheme as the same with certain modifications thereof is fully set out and defined in the schedule to this Act should be confirmed: A.D. 1916.

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 said scheme is hereby confirmed Provided always that nothing in this Act or in the said scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exerciseable or hereafter to become exerciseable by the High Court of Justice and the Charity Commissioners.

2. This Act may be cited as the Congregational Chapels Scheme Confirmation Act 1916.

A.D. 1916.

SCHEDULE.

*Scheme for the application or management of the following Charities:—*

1. *The Charity consisting of the Congregational Chapel School and Trust Property in the Township of Great Harwood in the Parish of Blackburn in the County of Lancaster:*
2. *The Charity consisting of the Congregational Chapel School Manse Burial Ground and Trust Property at Elswick in the Parish of St. Michael on Wyre in the County of Lancaster:*
3. *The Charity consisting of the Congregational Chapel School and Manse in the Parish of Horncastle in the County of Lincoln:*
4. *The Charity consisting of the Congregational Chapel in the Parish of Horsington in the County of Lincoln:*
5. *The Charity consisting of Christ Church Chapel and Trust Property in the Parish of Enfield in the County of Middlesex including the following Subsidiary Charities or Endowments administered in connexion therewith:—*
  - (1) *Charity of Matthias Peter Dupont (otherwise known as the Enfield Trust);*
  - (2) *Charity of Rupertia Hill;*
  - (3) *Charity known as the Lecture Hall or Sunday School;*
  - (4) *Charity known as the British School:*
6. *The Charity consisting of the Congregational Chapel and Trust Property in the Parish of Newcastle under Lyme in the County of Stafford:*
7. *The Charity consisting of the Vineyard Congregational Chapel in the Parish of Richmond in the County of Surrey:*

8. *The following Charities in the City of Sheffield:—*

A.D. 1916.

(1) *The Charity consisting of Nether Congregational Chapel and Trust Property;*

(2) *The Charity consisting of the Proceeds of Sale of the Howard Street Congregational Chapel Burial Ground and Trust Property.*

1. The above-mentioned Charity numbered 5 and the above-mentioned subsidiary charities or endowments administered in connexion therewith shall henceforth be administered and managed as one charity under the title of the Christ Church Charity hereinafter referred to as the Charity numbered 5.

2. The Charity numbered 5 and the remaining above-mentioned charities and the endowments thereof specified in the First Schedule hereto shall be administered and managed respectively by the following bodies as the Trustees thereof subject to and in conformity with the provisions of this scheme:—

- (1) In the case of the Charities numbered 1 and 2 by the Lancashire Congregational Union (Incorporated);
- (2) In the case of the Charities numbered 3 and 4 by the Congregational Union of England and Wales (Incorporated);
- (3) In the case of the Charity numbered 5 by the London Congregational Union (Incorporated);
- (4) In the case of the Charity numbered 6 by the Staffordshire Congregational Union (Incorporated);
- (5) In the case of the Charity numbered 7 by the Surrey Congregational Union (Incorporated); and
- (6) In the case of the Charities numbered 8 (1) and (2) by the Yorkshire Congregational Union and Home Missionary Society (Incorporated).

3. The Trustees of the Charity numbered 8 (2) shall expend the sum of cash specified in the said First Schedule and belonging to that charity in or towards defraying the cost of the purchase in trust for that charity of the piece of land specified in the Second Schedule hereto or of some other suitable site and the erection thereon of a mission chapel (hereinafter called the mission chapel) to be used as a branch chapel in connexion with the chapel (hereinafter called Nether Chapel) belonging to the Charity numbered 8 (1). From and after the erection of the mission chapel the Charity numbered 8 (1) and the mission chapel with the site thereof shall be administered and managed as one charity under the title of the Nether Chapel Charity hereinafter referred to as the Charity numbered 8.

[Ch. lxii.]                      *Congregational Chapels Scheme* [6 & 7 GEO. 5.]  
*Confirmation Act, 1916.*

A.D. 1916.

4. The rentcharges and freehold or leasehold lands and other hereditaments (if any) belonging to each charity are hereby vested in the body hereby constituted the Trustees thereof for all the estate and interest therein belonging to or held in trust for the charity.

5. In this scheme the expression "the church" means—

- (1) In the case of the Charity numbered 1 the church for the time being assembling for worship in the chapel belonging to that charity;
- (2) In the case of the Charity numbered 2 the church for the time being assembling for worship in the chapel belonging to that charity;
- (3) In the case of the Charities numbered 3 and 4 the church for the time being assembling for worship in the chapel belonging to the Charity numbered 3;
- (4) In the case of the Charity numbered 5 the church for the time being assembling for worship in the chapel belonging to that charity;
- (5) In the case of the Charity numbered 6 the church for the time being assembling for worship in the chapel belonging to that charity;
- (6) In the case of the Charity numbered 7 the church for the time being assembling for worship in the chapel belonging to that charity;
- (7) In the case of the Charity numbered 8 (1) until the erection of the mission chapel and thereafter in the case of the Charity numbered 8 the church for the time being assembling for worship in Nether Chapel.

6. The Trustees in the case of each charity shall permit any building used as a manse belonging to the charity to be occupied as a residence by the minister or pastor for the time being of the chapel belonging to the charity provided that if and when any such minister or pastor does not desire to occupy the said premises the Trustees may let the same at the best rent that can reasonably be obtained but so that any tenancy shall be determinable by the Trustees at six months' notice in the event of any such minister or pastor signifying in writing to the Trustees his desire to occupy the said premises. The clear yearly income derived from any such letting as aforesaid shall be paid by the Trustees to the minister or pastor for the time being.

7. Subject as aforesaid the Trustees shall permit the buildings belonging to each charity to be used occupied and enjoyed as places for the public worship of God and for preaching the Gospel of the Lord Jesus Christ according to the principles and usages for the time being of Protestants of the Congregational Denomination commonly called

Independents being pædobaptists under the direction of the church and for the instruction of children and adults and for the promotion of such other charitable purposes whether religious or philanthropic in connexion therewith as the church shall from time to time direct. A.D. 1916.

8. The Trustees shall permit to officiate in the said buildings as stated minister or ministers or pastor or pastors such person or persons only as shall be of the denomination aforesaid being pædobaptists and shall hold preach and maintain in the case of the Charities numbered 1 and 2 the doctrines set out in Part I. of the Third Schedule hereto and in the case of the remaining charities other than the Charity numbered 5 the doctrines set out in Part II. of the said Third Schedule and shall (except in the case of the present minister or pastor) be chosen and elected by special resolution of the church and no person shall be permitted to officiate as minister or pastor in the said buildings who shall be proved guilty of immoral conduct or shall cease to be of the denomination aforesaid or shall cease to hold and preach the doctrines (if any) required by this clause in his case or be removed from his office by a special resolution of the church.

9. The Trustees shall permit such occasional ministers or other persons to officiate in the said chapels as the stated minister or pastor of the church for the time being (if any) or if there be no such minister or pastor as the deacon or deacons of the church for the time being or any committee from time to time appointed by the church for the purpose shall appoint unless such appointment shall be negated by a resolution of the church.

10. The Trustees shall in the case of each charity permit the deacon or deacons of the church or other person or persons appointed for the purpose by the church to receive all moneys contributed or subscribed and also (subject as hereinbefore provided with respect to any manse) the net rents arising from any lease of property of the charity and any other money which may come into the hands of the Trustees in connexion with the charity in the nature of income and after payment thereof of the expenses of repairing and insuring the buildings of the charity and the interest of any mortgage or debt secured on the property of the charity or incurred in the erection completion repair alteration enlargement or improvement of the said buildings to pay or apply the residue as follows viz. :—

- (1) In the case of the Charity numbered 5 to apply the said residue for the purposes of the charity as the church shall direct; and
- (2) In the case of each of the remaining charities to pay such sum for the support of the minister or pastor or ministers or pastors as the church shall have determined and subject

[Ch. Ixii.]                      *Congregational Chapels Scheme* [6 & 7 GEO. 5.]  
*Confirmation Act, 1916.*

A.D. 1916.

thereto to apply the said residue in payment of the incidental and other expenses attending the maintenance of Divine Worship in the said buildings and for the other purposes of the charity as the church shall direct :

Provided nevertheless that moneys contributed or subscribed for any specified purpose shall not be subject to this clause but shall be applied for such specified purpose.

11. The Trustees shall from time to time under the direction of the church permit the buildings for the time being belonging to each charity to be repaired altered enlarged or taken down and rebuilt so as to render the same better adapted for the purposes aforesaid and shall under the like direction from time to time permit the erection of additional buildings.

12. Except as regards any property of the charities which for the time being is registered as a place of meeting for religious worship with the Registrar-General of Births Deaths and Marriages in England and is bonâ fide used as a place of meeting for religious worship and except as regards such other property (if any) of the charities as for the time being by virtue of any provision of the Charitable Trusts (Places of Religious Worship) Amendment Act 1894 is exempt from the operation of the Charitable Trusts Acts 1853 to 1914 the Trustees shall not make or grant otherwise than with the approval of the Charity Commissioners any sale exchange mortgage or charge of the estates of the charities or any lease thereof in reversion after more than three years of any existing term or for any term of life or in consideration wholly or in part of any fine or for any term of years exceeding twenty-one years.

13. If in the case of either of the Charities numbered 1 and 2 the Trustees shall be required to pay any money for which such Trustees shall be liable in relation to the trusts of this scheme and the same shall not be duly provided by the church after demand or otherwise than by such Trustees it shall be lawful for the Trustees on their sole authority and without the consent request or direction of the church or any member thereof but subject to the restrictions contained in the last preceding clause hereof to mortgage all or any part of the property of the charity when and in such manner in all respects as such Trustees shall think proper and out of the proceeds thereof to pay all expenses of and incident to such mortgage and fully to reimburse and indemnify such Trustees.

14. Subject to the said restrictions hereinbefore contained it shall be lawful for the Trustees in the case of any of the charities other than the charities numbered 1 and 2 without the necessity of obtaining the consent of the church to raise by mortgage of the property of the charity or by the deposit of the title deeds thereof such sum or sums



of money as in the exercise of their discretion they think proper for the purpose of paying off any debt or debts incurred or to be incurred in the erection or completion of the buildings erected or to be erected on the land belonging to the charity and not provided for by voluntary subscriptions. A.D. 1916.

15. Subject to the said restrictions hereinbefore contained the Trustees shall in the case of each charity whenever required by a special resolution of the church with the consent in writing of the Trustees or their committee or a majority of such committee sell mortgage enfranchise or demise for any term of years the property of the charity or any part thereof or exchange the same or any part thereof for any other freehold copyhold customary or leasehold premises in accordance with the directions of the church. The Trustees shall stand possessed of the moneys arising from any such mortgage sale or exchange and any other moneys which may come to their hands in connexion with the charity in the nature of capital after paying all costs and expenses incurred in relation thereto upon trust to lay out and apply the same in or towards the enlargement rebuilding improvement or repair of the buildings belonging to the charity or in or towards the purchase of other premises of any tenure or towards any of the other purposes of this scheme in relation to the charity in such manner as the church shall by special resolution direct but so that in the case of each charity any premises so purchased or so taken in exchange whether freehold copyhold customary or leasehold shall be situated within 20 miles of the site of the existing chapel at which the church assembles for worship and shall be held by the Trustees upon the same trusts and subject to the same powers and provisions as are herein declared concerning that chapel. If any difference shall arise as to whether moneys coming into the hands of the Trustees are capital or income the decision of the Trustees shall be conclusive.

16. Notwithstanding anything hereinbefore contained if in the case of any of the charities the church is dissolved or dispersed or (unless the church shall have removed within the meaning of clause 21 hereof) if the regular public worship of God in the said buildings is discontinued for six calendar months together or if the number of the members of the church entitled to vote at a special meeting as hereinafter provided shall be reduced to 15 or under the Trustees may in their discretion but subject to the said restrictions hereinbefore contained either let or mortgage or sell the property of the charity or any part thereof and pay and apply the net proceeds of such letting mortgage or sale remaining after payment of all expenses for such religious purposes not tending to the promulgation of doctrines inconsistent with those (if any) hereinbefore required in the case of the charity and in such manner as the Trustees shall in their discretion think proper.

[Ch. lxii.]                      *Congregational Chapels Scheme* [6 & 7 GEO. 5.]  
*Confirmation Act, 1916.*

A.D. 1916.

17. Upon any mortgage lease sale enfranchisement or exchange purporting to be made in pursuance of any trust or power herein contained no mortgagee lessee purchaser or other person dealing bonâ fide with the Trustees shall be bound or concerned to inquire whether the occasion for executing or exercising such trust or power has arisen or as to whether any special or other meeting of the church has been held or as to the competency or regularity of any such meeting or of any requisition or resolution passed or purporting to have been passed thereat or as to whether the church has been dissolved or any of the said other events have taken place or (except as regards the said restrictions hereinbefore contained) otherwise as to the propriety or regularity of any such mortgage lease sale enfranchisement or exchange and notwithstanding any impropriety or irregularity in such mortgage lease sale enfranchisement or exchange the same shall as regards a purchaser mortgagee lessee or other person as aforesaid (except as regards the said restrictions) be deemed to be within the aforesaid trusts or powers and be valid accordingly.

18. All the trusts powers discretions and authorities hereby given to or vested in a body of trustees shall be exerciseable by their executive committee or a majority of such committee as fully and effectually in all respects as the same might have been exercised by the Trustees.

19. In the case of each charity the following provisions shall apply to every special meeting of the church:—

- (a) The meeting shall be convened by the minister or pastor or the deacons or the committee for the time being of the church or by the authority of the Trustees or of one-fifth in number of the members of the church entitled to vote at such meeting by notice announcing the place day and hour of the meeting and the business or matter to be transacted or considered and such notice shall be given on the two Lord's Days immediately preceding such meeting at each service held in the chapel at which the church assembles for worship Provided that in the case of the Charity numbered 5 the notice where the matter is in the opinion of the minister or pastor or a majority of the deacons of extreme urgency instead of being given in the chapel may be given by means of a circular in writing addressed and sent at least seven days before the date of the meeting to all the members of the church at their last known places of address in England specifying the place day and hour of the meeting and the business or matter to be thereat transacted or considered and subsection (b) of this clause shall not in that event apply :

A.D. 1916.

- (b) The meeting shall be fixed for and held not earlier than the Wednesday next following the second of such two Lord's Days :
- (c) The only persons who shall be entitled to attend and vote at such meeting shall be those who whether male or female have attained the age of 21 years and have been members of the church during at least six calendar months next preceding the meeting :
- (d) No votes shall be given by proxy but votes may be given by ballot or otherwise as the church may direct :
- (e) The term "special resolution" in this scheme means a resolution passed at a special meeting of the church by a majority consisting in the case of the Charity numbered 5 of not less than three-fourths of the persons present and voting on the resolution and in the case of the remaining charities of not less than two-thirds of the said persons and the same shall be binding upon all the members of the church whether present or not at such meeting :
- (f) Except where a special resolution is hereby expressly required a resolution passed at a special meeting by a simple majority of the persons present and voting on the resolution shall be binding on all the members of the church whether present or not at such meeting :
- (g) The proceedings and resolutions of the meeting shall be evidenced by a minute thereof under the hand of the chairman who shall have a casting vote and such minute shall be conclusive evidence that any resolution therein expressed to have been passed was passed at a meeting duly convened and held and by the requisite majority and it shall further be presumed that the person subscribing such minute as chairman was duly appointed to the office.

20. Except where it is hereby expressly provided that a special resolution of the church or a resolution of a special meeting thereof is requisite the affairs of the church and the provisions of this scheme may in the case of each charity in all respects be managed and carried out under the direction of the members of the church at ordinary meetings of the church to which meetings the provisions of the last preceding clause hereof shall not apply but the same shall be held and regulated according to the ordinary practices and usages of Congregational churches which practices and usages shall also apply to special meetings of the church subject to the provisions of such last preceding clause hereof.

[Ch. lxii.]      *Congregational Chapels Scheme* [6 & 7 GEO. 5.]  
*Confirmation Act, 1916.*

A.D. 1916.

21. In the case of each charity in the event of the removal of the church to another locality the powers hereby vested in the church in regard to the charity shall not thereby be suspended or in any manner impaired or affected.

22. The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any of the provisions of this scheme as if those provisions had been made by the founder in the case of a charity having a founder.

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FIRST SCHEDULE TO THE SCHEME.

(PROPERTIES OF CHARITIES.)

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*As to Charity numbered 1.*

1. Land and hereditaments comprised in an indenture dated 14th June 1838 and held thereunder for the residue of a term of 999 years at the yearly rent of 3*l.* 4*s.* 11*d.*

2. Land and hereditaments comprised in an indenture dated 20th February 1890 and held thereunder for the residue of a term of 999 years at the yearly rent of 6*l.*

3. Land and hereditaments including the four several yearly rentcharges (payable out of adjoining plots of land) of 12*l.* 14*s.* 6*d.* 2*l.* 4*s.* 6*l.* 2*s.* 11*d.* and 6*l.* 7*s.* 10*d.* comprised in an indenture dated 2nd December 1884 which land and hereditaments are held under the said indenture subject to a yearly rentcharge of 30*l.* (whereof 1*l.* 9*s.* 2*d.* is the apportioned part payable under the indenture dated 28th October 1885 hereinafter mentioned) save and except the parts of such land and hereditaments which are comprised in two indentures dated respectively the 28th October 1885 and the 28th April 1893.

4. A yearly rentcharge of 2*l.* 16*s.* 5½*d.* payable under the said indenture dated 28th April 1893.

5. Land and hereditaments comprised in indentures dated 16th October 1879 and 17th October 1879 and held thereunder for the residue of a term of 999 years subject to the yearly rent of 8*l.* and to suit and service at the court baron or other court or courts of or belonging to the manor of Great Harwood save and except the leasehold interest for a term of 900 years in 113 square yards being a part of the said land and hereditaments comprised in an indenture dated 28th April 1893.

6. A yearly rent of 1*l.* 3*s.* 6½*d.* payable under the last-mentioned indenture dated 28th April 1893.

7. Land and hereditaments comprised in an indenture dated A.D. 1916.  
25th January 1887.

*As to Charity numbered 2.*

Certain pieces of land partly freehold and partly leasehold containing together 14a. 0r. 30p. or thereabouts and situate at Elswick whereof a portion forms the site of a chapel school and manse and a further portion consists of a disused burial ground.

*As to Charity numbered 3.*

1. Chapel at Horncastle known as the Horncastle Congregational Chapel with site and appurtenances.

2. School at Horncastle used in connexion with the last-mentioned chapel with site and appurtenances.

3. Messuage in East Street Horncastle now or formerly used as a manse with site and appurtenances.

*As to Charity numbered 4.*

Chapel at Horsington known as the Horsington Congregational Chapel with site and appurtenances.

*As to Charity numbered 5.*

1. Chapel at Enfield known as Christ Church Chapel with site and appurtenances.

2. A sum of 78*l.* 11*s.* 7*d.* India 3½ per cent. Stock held by "The Official Trustees of Charitable Funds" (Subsidiary Charity or Endowment of Matthias Peter Dupont otherwise known as the Enfield Trust).

3. The following particulars forming the Subsidiary Charity or Endowment of Rupertia Hill:—

(a) Building at Enfield used as a manse with site and appurtenances:

(b) A sum of 1,002*l.* 10*s.* 1*d.* Consols held by the said Official Trustees:

(c) A sum of 300*l.* 1*s.* 6*d.* Consols held by the said Official Trustees to the credit of a Repairing Account.

4. Building at Enfield used as a lecture hall or Sunday school with site and appurtenances.

5. Building at Enfield known as the British School with site and appurtenances.

*As to Charity numbered 6.*

1. Chapel at Newcastle under Lyme with site and appurtenances.

2. Property consisting of schools and a manse used in connexion with the said chapel.

[Ch. lxi.] *Congregational Chapels Scheme* [6 & 7 GEO. 5.]  
*Confirmation Act, 1916.*

A.D. 1916.

*As to Charity numbered 7.*

Chapel at Richmond in the county of Surrey with site and appurtenances.

*As to Charity numbered 8 (1).*

1. Chapel at Sheffield known as Nether Congregational Chapel with site and appurtenances.

2. Piece of land adjoining the said chapel formerly used as a burial ground.

*As to Charity numbered 8 (2).*

A sum of 1,162*l.* 12*s.* 5*d.* 3½ per cent. War Stock 1925-28.

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SECOND SCHEDULE TO THE SCHEME.

(INTENDED SITE OF MISSION CHAPEL.)

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A piece of land containing 630 square yards or thereabouts situate in Bernard Street and Old Street Sheffield being the intended site of the mission chapel.

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THIRD SCHEDULE TO THE SCHEME.

(DOCTRINES.)

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PART I.

The Unity of the Godhead Father Son and Holy Spirit.

The Deity and Incarnation of Christ.

The atonement for sin made by His death and sealed by His Resurrection and Ascension into Heaven as Redeemer of the World.

Man's need of the Holy Spirit to enlighten his mind and renew his heart.

That the Holy Scriptures contain the revelation of God's Grace to man and the rule of man's faith and duty to God.

The final Judgment of the World by Jesus Christ.

PART II.

A.D. 1916.

The Unity of the Godhead as Father Son and Holy Spirit.

The Incarnation Resurrection and Ascension of the Only Begotten Son of the Father in Jesus Christ Who is our Propitiatory Sacrifice our Redeemer our Judge the Sole Head of His Church.

The Quickening Indwelling Guiding and Sanctifying of the Holy Spirit.

The revelation of God's Grace to man and of man's duty to God in the Holy Scriptures.

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