CHAPTER 79.

An Act to amend the Law relating to the management of the Woods, Forests, and Land Revenues of the Crown.

[14th August 1885.]

BE it enacted by the Queen'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:

Short titles of Acts.

1. This Act may be cited as the Crown Lands Act, 1885.

Each of the Acts mentioned in the first schedule to this Act is in this Act referred to and may for all purposes be cited by the short title in that behalf in the third column of that schedule mentioned.

Definition of Commissioners of Woods.

2. In this Act the expression "Commissioners of Woods" means the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, and those Commissioners may be referred to in any Act deed or document, by the name Commissioners of Woods.

Amendment of General Acts.

Extension of duration of lease to foreshore comprised in oyster or mussel fishery order. 31 & 32 Vict. c. 45. 10 Geo. 4. c. 50. s. 22.

3. Whereas under the Sea Fisheries Act, 1868, and the Acts amending the same, orders can be made for the establishment improvement maintenance and regulation of oyster and mussel fisheries on the sea shore as therein defined, subject to the limitation that a right of several fishery or of regulating a fishery shall not exceed sixty years:

And whereas it is expedient to extend the power of the Commissioners of Woods under the Crown Lands Act, 1829, and of the Board of Trade, to grant a lease of such portion of the said sea shore as is under their management respectively, so that the lease may be granted for the same term as that specified in the fishery order: Be it therefore enacted as follows:

Where an order under the Sea Fisheries Act, 1868, and the Acts amending the same, has been made for an oyster and mussel fishery as defined by that Act on part of the sea shore within the meaning of that Act, and such part of that sea shore or any portion thereof is under the management of the Commissioners of Woods or of the Board of Trade, those Commissioners or the Board of Trade, as the case may be, may grant a lease of so much of the said sea shore as is under their management respectively, for a period not exceeding the duration of the rights conferred by the order, and not exceeding sixty years. Any lease of sea shore which may have been granted for a longer term than thirty-one years by the Board of Trade before the passing of this Act in respect of a fishery comprised in an order made under the Sea Fisheries Act, 1868, and the Acts amending the same, shall be valid as if it had been granted under the powers of this Act.

Amendment of 10 Geo. 4. c. 50. as to sale to copyhold tenant for

4. Whenever in pursuance of the Crown Lands Act, 1829, and the Acts amending the same, the freehold of any copyhold or customary tenement, parcel of or holden of any manor belonging to the Crown, or any manorial right, parcel of any manor belonging to the Crown over or in relation to any land, is sold by the Com-

missioners of Woods to the tenant thereof (whether there has been any conditional surrender or not); the right of any person in to or out of such copyhold or customary tenement or the land subject to such manorial right under any will settlement mortgage or otherwise shall continue to attach upon such tenement or land, in the same manner as if the freehold had been comprised in and had been devised conveyed charged or otherwise disposed of, by the will settlement mortgage or other instrument or disposition, under which such person claims. purpose of enfranchisement. See 15 & 16 Vict. c. 51. s. 46.

The purchaser in any such case may mortgage the fee simple of such tenement or land to secure the payment of the purchase money and the costs of the purchase and interest thereon to the person advancing the same his executors administrators and assigns, and such mortgage may be made although the purchaser himself advances the money, and such mortgage shall have priority over all mortgages charges and incumbrances whatsoever affecting such land (except tithe commutation rent charge, and any charges or rent charges which either before or after such mortgage are charged upon the same land for the drainage thereof by virtue of any Act of Parliament), and that notwithstanding the actual priority in point of date or anterior title of such mortgages charges and incumbrances; but any such previous mortgage, charge, and incumbrance shall continue notwithstanding the mortgage under this section: Provided that no such charge shall have priority over any mortgage charge or incumbrance which at the time of the passing of this Act may affect the lands enfranchised, without the consent of the Land Commissioners for England. See 21 & 22 Vict. c. 94. s. 33.

5. For the purpose of removing doubts it is hereby declared that where the Commissioners of Her Majesty's Treasury have in pursuance of section five of the Crown Lands Act, 1851, or otherwise, either before or after the passing of this Act, assigned to one of the Commissioners of Woods the management or direction of or in relation to any separate part of the Woods, Forests, and Land Revenues under the management of such Commissioners, any duties or powers under this Act or under any Act passed either before or after the passing of this Act which should or might be performed or exercised in relation to such separate part shall be performed and may be exercised by the Commissioner to whom the said management or direction is for the time being so assigned. Amendment of 14 & 15 Vict. c. 42. s. 5. as to the exercise of powers by the Commissioners.

Glebe at Rhyl.

6. Whereas section forty-five of the Crown Lands Act, 1829, authorised, among other things, the grant of any ground proper for the site of a church or chapel or for the residence of a spiritual person who may serve such church or chapel, or for the site of any parochial or district school, to an amount not exceeding five acres, and such grant was to be made by a warrant in manner provided by the said Act: Amendment of conditions of grant of Crown land to vicar of Rhyl under 10 Geo. 4. c. 50. s. 45.

And whereas in pursuance of the said section by a warrant dated the twenty-ninth day of December one thousand eight hundred and thirty-six two pieces of land situate in the township of Rhyl in the parish of Rhuddlan in the county of Flint and containing five acres

or thereabouts, and delineated on a plan signed by one of the Commissioners of Woods and deposited in the Office of Land Revenues, Records, and Enrolments, and therein coloured the one red and yellow, and the other green, were granted for the purpose of erecting a church or chapel of ease, and a residence for the spiritual person to serve such church, subject to the condition that if the same ceased to be used for the purpose aforesaid the land should revert to the Crown:

And whereas the church was built on the land coloured red in the said plan, and a residence for the said spiritual person was erected close by the church but not on the piece of land containing four acres and one rood and coloured green on the said plan, and that land has since been enjoyed by the said spiritual person (now styled the vicar of Rhyl) as glebe, and doubts have arisen whether the land so granted has not under the terms of the said grant reverted to the Crown:

And whereas the vicar of Rhyl has with the consent of the bishop and patron of the benefice agreed with the managers of the Rhyl National School to grant without consideration the portion of the land coloured yellow on the said plan, and doubts have arisen as to the title of the vicar to grant such land:

And whereas it is expedient to remove the doubts aforesaid: Be it therefore enacted as follows:

On and after the passing of this Act the piece of land coloured green on the said plan shall vest in the vicar of Rhyl as part of the glebe belonging to the benefice of such vicar, and shall be subject to the law relating to glebes accordingly.

On and after the passing of this Act the portion of the land coloured yellow on the said plan shall vest in the persons in whom the Rhyl National School is at the passing of this Act vested, subject to the terms of the agreement made with the vicar of Rhyl, in like manner as if the land had been duly conveyed by the owner thereof in fee simple to those persons, as part of the Rhyl National School in pursuance of the Elementary Education Act, 1870, and the Acts amending or referred to in the same.

33 & 34 Vict. c. 75.

Sunk Island Roads.

Repeal in part and amendment of 15 & 16 Vict. c. 45. (Sunk Island Roads, &c.)

7. Whereas, under the provisions of an Act of the session held in the fifteenth and sixteenth years of Her present Majesty's reign, chapter forty-five (in this Act referred to as the Sunk Island Roads Act, 1852), the roads situated in the parishes of Sunk Island, Ottringham, and Patrington (all in the east riding of the county of York), and more particularly described in the Second Schedule to this Act, have been made or improved and maintained as turnpike roads under the management of the Commissioners of Woods and other persons appointed by the said Commissioners to act with them as trustees for the execution of the said Act.

And whereas it is expedient to put an end to the management and maintenance of the said roads by such trustees, and to the levying of tolls thereon, and to provide for the management and maintenance of the said roads by the inhabitants of the parishes within which they are respectively situate:

And whereas the said Act authorised certain tonnage rates or dues to be taken in respect of vessels using Her Majesty's quays and wharves at Stone Creek in Sunk Island aforesaid, and it is expedient to provide for their application as part of the general land revenues of the Crown:

Be it therefore enacted as follows:—

(1.) On and after the first day of October one thousand eight hundred and eighty-five, the Sunk Island Roads Act, 1852, shall be repealed, with the exception of sections twelve to fifteen (both included), and of sections eighteen and nineteen, and without prejudice to anything done or suffered under the said Act before that day or to any proceeding or cause of proceeding then pending or existing.

(2.) The trustees for the execution of the said Act shall after payment and satisfaction of their debts and liabilities, and after payment of compensation to their clerk subject to the provisions of section seven of the Annual Turnpike Acts Continuance Act, 1868, pay any moneys remaining in their hands to the surveyor of highways of the parish of Sunk Island, to be by him applied in and towards the repair and maintenance of those highways. 31 & 32 Vict. c. 99.

(3.) On and after the said first day of October one thousand eight hundred and eighty-five the several roads or portions of roads described in the Second Schedule to this Act shall become highways repairable by the inhabitants of the several parishes within which they are respectively situate, and shall be managed and maintained accordingly. Provided that each such road or portion shall be a main road within the meaning of the Highways and Locomotives (Amendment) Act, 1878, and one half of the expenses incurred by the highway authority in the maintenance thereof shall, in conformity with and subject to the provisions of the last-mentioned Act, be repaid to the highway authority by the county authority. 41 & 42 Vict. c. 77.

(4.) On and after the said first day of October one thousand eight hundred and eighty-five, all sums received by the Commissioners of Woods in respect of vessels using or remaining at Her Majesty's quays, wharves, landing places, or works at Stone Creek or otherwise under the unrepealed portion of the Sunk Island Roads Act, 1852, shall be from time to time carried to and dealt with as part of the income of the general land revenues of the Crown; but any balance of such sums received before and being on the said first day of October in the hands of the treasurer or collector appointed by the trustees for the execution of the said Act shall be applied as part of the funds of the said trustees.

Newborough Endowment.

8. Whereas there is now standing in the names of the Commissioners of Woods and of the Lord Bishop of Peterborough, in the books of the Governor and Company of the Bank of England, a sum of eight thousand three hundred and thirty-three pounds six shillings and eightpence three per cent. consolidated bank annuities, which sum is, under the provisions of the Act 11 Geo. 4. and 1 Will. 4. c. 59., to be by them held in trust to pay the dividends arising therefrom to the officiating minister of the parish church of Newborough, in the county of Northampton: Transfer of certain funds from Commissioners of Woods to Ecclesiastical Commissioners for endowment of minister of Newborough.

And whereas it is expedient that the said sum of consolidated bank annuities be transferred to the Ecclesiastical Commissioners for England, who have signified their willingness to administer the trusts of the same:

Be it therefore enacted that the Commissioners of Woods may at any time after the passing of this Act transfer the said sum of eight thousand three hundred and thirty-three pounds six shillings and eightpence three per cent. consolidated bank annuities to the Ecclesiastical Commissioners for England, to be by them held and administered upon and subject to the same trusts as the said sum was held and administered immediately before the passing of this Act; and this section shall be sufficient authority for the Governor and Company of the Bank of England to cause to be made such transfer in their books on the written request of the Commissioners of Woods or any one of them.

FIRST SCHEDULE.

Session and Chapter.	Long Title.	Short Title.
10 Geo. 4. c. 50.	An Act to consolidate and amend the laws relating to the management and improvement of His Majesty's woods, forests, parks, and chases; of the land revenue of the Crown within the survey of the Exchequer in England; and of the land revenue of the Crown in Ireland; and for extending certain provisions relating to the same to the Isles of Man and Alderney.	The Crown Lands Act, 1829.
14 & 15 Vict. c. 42.	An Act to make better provision for the management of the Woods, Forests, and Land Revenues of the Crown, and for the direction of public works and buildings.	The Crown Lands Act, 1851.

SECOND SCHEDULE.

DESCRIPTION OF ROADS.

A turnpike road from the road between Patrington Haven and the town of Patrington to the North Channel Bridge or Clough, in the parishes of Patrington and Sunk Island, in the East Riding of the county of York or one of them.

Another turnpike road from the north side of Patrington reservoir or drain in the said parish of Patrington to the first-mentioned turnpike road.

Another turnpike road from the north side of the said North Channel Bridge through the said parish of Sunk Island to the road next hereinafter mentioned.

Another turnpike road from the church in the said parish of Sunk Island through the said parish and the parish of Ottringham to the turnpike road leading from Kingston-upon-Hull through Hedon to Patrington.

And another turnpike road from the said church in the parish of Sunk Island to the harbour called Stone Creek in the said parish.

CHAPTER 80.

An Act for enabling Allowances to be made to the Officers of Poor Law Unions in Ireland, on abolition of Office. [14th August 1885.]

BE it enacted by the Queen'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:

Short title.

1. This Act may be cited for all purposes as the Union Officers (Ireland) Act, 1885.

Allowances on abolition of office.

2. (*a.*) The board of guardians of any union in Ireland may grant to any person retiring or removed from the service of the union by reason of the abolition of his office, to whom a superannuation allowance might be granted under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-six, or any Act amending the same, such annual allowance by way of compensation for loss of office as they might have granted to that person if he were retiring from his office by reason of permanent infirmity of mind or body.

Such allowance shall be granted in the same manner and subject to the same conditions, and shall be payable out of the same funds, as if it were a superannuation allowance granted in accordance with the provisions of the said Acts.

(*b.*) In the case of the abolition of an office arising from the dissolution or alteration of a union, the board of guardians of the union in which the officer is employed may grant such annual allowance, subject to such conditions as aforesaid, at any meeting held during the month previous to the dissolution or alteration taking effect, provided that not less than six clear days notice of such meeting shall have been given to each member of the board instead of the notice prescribed by the said Acts.

The provisions of section two of the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter one hundred and four, shall apply to any allowance granted under this section.

Cesser of allowance.

3. In case any person enjoying any superannuation allowance under this Act is appointed to be a union officer in any union, every such allowance shall cease to be paid so long as he continues to hold such appointment, if the annual amount of the profits of the office to which he is appointed are equal to those of the office formerly held by him, and in case they are not equal to those of his former office, then no more of such superannuation allowance