Land Improvement Act (Ireland) 1735

Chapter 7

An Act for encouraging the Planting of Timber Trees.[1]

WHEREAS persons seized of estates for life, with remainders over, have often improved their estates by planting of timber trees: and whereas the benefit of such improvements by the laws now in being descends intirely to the person next in reversion or remainder, without any consideration had for such improvement, to the frequent impoverishment of younger children and ruin of creditors: and whereas tenants in tail, who have in their lifetime made such improvements, often dye without docking the intail; by which means the said improvements descend in the same manner as the improvements made by tenants for life: and whereas many are hereby greatly discouraged from planting timber trees, to the manifest prejudice of the kingdom: to remedy therefore the said mischiefs, and to encourage tenants for life and in tail to plant timber-trees;

If tenant for life or tail, remainder over, plant timber, their executors or administrators intitled to a moiety,

[I.] IF any person seized of an estate for life, or in tail, with a remainder or remainders over, shall in his lifetime plant on his said estate oak, ash, alm, fir, or any other timber tree, in every such case the executor or executors, administrator or administrators, of such tenant for life, or tenant in tail, shall be intitled to the moiety of such trees, except they shall be planted for ornament or shelter in any avenue leading to the mansion-house, or in the walks of any garden belonging to the mansion-house, of such tenant for life, or tenant in tail; to be recovered from the person in possession of the estate by virtue of such remainder, . . .[2].

except in avenue to a mansion house, or garden walks.

II. PROVIDED nevertheless, That if the person in possession of the said estate by virtue of such remainder shall chuse to give the one moiety of the said trees to the said executor or executors, administrator or admin-

Must be accepted in kind, if remainder man chuses, with free

ingress to cut, &c. for reasonable time.

istrators, in kind, then the said executor or executors, administrator or administrators, shall be obliged to accept of the said moiety in kind; he and they having free ingress, egress, and regress, for a reasonable time to cut and carry away the said trees.

Decree for full value of trees suffered to be cut by remainder man before the inquiry.

III. PROVIDED also, That if any person in possession of any estate by virtue of such remainder shall cut or carry away, or suffer to be cut or carried away, any trees, so planted, between the death of such tenant for life, or tenant in tail, and such inquiry held, then the said executor or executors, administrator or administrators, shall be intitled to, and shall have a decree for, the full value of such trees so cut and carried away, or suffered to be cut and carried away.

References

1. Short title "The Land Improvement Act (Ireland) 1735", 1951 c.1 (NI)
2. Rep., 1978 c.23 s.122(2) sch.7 Pt.II