27 & 28 Vict. c. 71. 31 & 32 Vict. c. 70.

(Ireland) Act, 1851, the Railways (Ireland) Act, 1860, the Railways (Ireland) Act, 1864, and the Railways Traverse Act.

Nothing contained in the principal Acts or in this Act shall apply to any land for the time being under the management of the Commissioners of Public Works in Ireland, or belonging to the Benchers of the King's Inns in Dublin.

Short title and construction.

14. This Act may be cited as the Open Spaces Act, 1887, and may be read with the principal Acts as one Act.

SCHEDULE.

Portions of the Metropolitan Open Spaces Act, 1881, repealed.

In section one, the following words occurring in the definition of an "open space," viz., "but shall not include any enclosed land which has not a public road or footpath completely round the same."

In the same section, the following words occurring in the definition of a "burial ground," viz., "and in which interments have taken place since the year 1800."

In the second paragraph of section five, the words, "but such metropolitan board, vestry, or district board shall not allow the playing of any games or sports therein."

CHAPTER 33.

An Act to amend the Land Law (Ireland) Act, 1881, and the Purchase of Land (Ireland) Act, 1885, and for other purposes connected therewith. [23rd August 1887.]

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:

PART I.

Amendments of General Application.

Leaseholders.

1. At any time within two years after the passing of this Act on the application in the prescribed manner to the court by the lessee of any holding who at the expiration of his lease existing at the passing of the Land Law (Ireland) Act, 1881, would be deemed to be a tenant of a present ordinary tenancy from year to year within the meaning of the said Act, at the rent and subject to the conditions of the lease, or would be so deemed but for the fact that such lease would not expire within sixty years after the passing of the Land Law (Ireland) Act, 1881, such lessee shall, if bonâ fide in occupation of his holding, be deemed to be a tenant of a present tenancy in like manner and subject to like conditions, and subject to the same right of resumption as if his lease had expired, and his holding shall be subject to all the provisions of the said Act of 1881 with regard to present tenancies as if the tenancy therein were a tenancy from year to year.

44 & 45 Vict. c. 49.

This section shall apply only to leases expiring within ninety-nine years after the passing of the Land Law (Ireland) Act, 1881,

and every lease existing at the passing of the Land Law (Ireland) Act, 1881, for any life or lives then existing, with or without any term of years not exceeding ninety-nine years where such term is concurrent, or thirty-one years where such term is in reversion, and not being renewable in any case, shall, for the purposes of this section, be deemed to be a lease so expiring.

In case of a lessee becoming present tenant under this section, the court shall not for fifteen years from the commencement of such present tenancy authorise resumption by the landlord under this section.

Perpetuities may be set aside.

2. In case of a lease or grant existing at the date of the Land Law (Ireland) Act, 1881, and executed since the first day of January one thousand eight hundred and sixty-nine, of a holding bonâ fide in the occupation of the tenant or grantee, and to which, but for the length of the term, section one of this Act would apply, if the court is satisfied that the acceptance thereof by the tenant or grantee was procured by the landlord by threat of eviction, or undue influence, or other inequitable means, the court may, upon the application of the tenant or grantee or the successor in title of the tenant or grantee made within six months after the passing of this Act, declare such lease or grant to be void as and from the date of the order, upon such terms as to costs and otherwise as the court may deem just, and thereupon such tenant shall be deemed to be tenant of a present ordinary tenancy from year to year at the rent mentioned in such lease, and subject to such conditions thereof as the court may deem just.

Exceptional provisions for certain leaseholders.

3. A lease to which section one of this Act would otherwise apply, shall be deemed to be within the said section if made or agreed to be made after the passing of the Land Law (Ireland) Act, 1881, and before the first day of January, one thousand eight hundred and eighty-three, where the lessee had been tenant in occupation of the holding under a contract of tenancy expiring after the twenty-ninth day of September, one thousand eight hundred and eighty, and had thenceforward continued in such occupation as tenant or caretaker, or otherwise, with the assent of the landlord, to the time of the making of such lease: Provided the court, having regard to all the facts of the case, is of opinion that the making of such lease was deferred with the object of defeating the provisions of the Land Law (Ireland) Act, 1881.

In this section the expression "lessee" shall include the person or persons who would have been successors in title of the tenant under the previous contract of tenancy if such tenancy had continued and had become vested in the lessee.

Subletting to labourers and others.

4. A tenant shall for the purpose of the Land Law (Ireland) Act, 1881, and of this Act, be deemed to be in bonâ fide occupation of his holding notwithstanding that he has sublet part thereof, provided the subletting is for the use of a labourer or labourers bonâ fide employed and required for the cultivation of the holding, and the court deems such subletting reasonable, and sanctions the same. The land comprised in each such letting shall not exceed half an acre in extent, and the court shall have regard to the size and character of the holding, and may prescribe such

terms as to rent and otherwise with regard to the part sublet as it thinks fit.

A tenant may also be deemed in occupation of his holding notwithstanding that part is sublet, where the subletting is of a trivial character, and the court deems the tenant to be substantially in occupation of the holding, and the court may prescribe like terms as to rent and otherwise. This section shall not apply to a subletting made by a tenant during a statutory term nor to a subletting made after the passing of this Act.

Judicial rent may commence on date of application to the court.

5. When the court on application fixes a judicial rent for a holding, the judicial rent shall be the rent payable by the tenant of the holding as from the gale day next after the making of the application, and the court shall proceed to take an account between the parties of the difference between the rent which has been paid by the tenant since the said gale day and the judicial rent, and any sum found on such account to be due from the landlord to the tenant shall be deducted by the tenant from the rent thereafter accruing due from him, and any sum found on such account to be due to the landlord from the tenant shall be paid by the tenant as an addition to the rent.

In case of an application to fix a judicial rent made before the gale day next following the passing of this Act, if the judicial rent is fixed at a lower rate than the rent previously payable, the tenant may deduct from the amount of the judicial rent payable by him such sum as he may have paid over and above the amount of the judicial rent in respect of the half year expiring on the gale day aforesaid.

Consolidation of proceedings in ejectment, and application for fair rent.

6. Where an ejectment is brought in any civil bill court for the nonpayment of the rent of a holding for which a judicial rent has not been fixed, the defendant may apply, in the prescribed manner, to the court to fix a fair rent for the holding, and the court may thereupon dispose of the said application, and of the ejectment at the same time.

Provided always that every order made under this section fixing a fair rent shall be subject to the like appeal as if the same had been made in the ordinary manner under the Land Law (Ireland) Act, 1881.

Substitution of a written notice for the execution of an ejectment.

7.—(1.) In the case of any holding for which a judgment in ejectment for nonpayment of rent has been recovered, where the rent does not exceed one hundred pounds by the year, and in every other case of judgment in ejectment for nonpayment of rent in which the plaintiff shall elect to take advantage of and proceed under this section, the period within which an application for a writ of restitution of possession may be made in the manner provided by the seventieth and seventy-first sections of the Landlord and Tenant Law Amendment Act (Ireland), 1860, shall be a period of six months after the service of a notice under this section. Such notice shall state truly the exact amount claimed by the plaintiff as payable for redemption and the place or places where and the person or persons to whom the same may be paid or tendered during the said period and may be in the form contained in the schedule to this Act, or to the like effect, and may be served after six weeks from the date of judgment, but not earlier unless

23 & 24 Vict. c. 154.

the court shall permit, by the person entitled to the possession of land under a judgment in ejectment for nonpayment of rent, upon every person served with the writ or process in such ejectment who at the time of the service of the notice shall be in possession of such land; in all such cases a copy of the said notice shall be sent in a registered letter addressed to the tenant, and a summary of such notice in the prescribed form shall be posted by or on behalf of the landlord on a police barrack or court house in the district in the prescribed manner and within the prescribed time; and if no such person is in possession, it may be posted in the prescribed manner; and a copy of such notice shall be filed in the court in which such action is pending within the prescribed time. Upon such service or posting the tenancy in the holding shall be determined as if a writ of possession under the judgment had been duly executed.

(2.) Upon the determination of the tenancy by the service of such notice as aforesaid every person upon whom such notice is served shall thereupon be deemed to be a person put into possession as a caretaker, and the enactments of the Landlord and Tenant Law Amendment Act (Ireland), 1860, relating to persons put into possession of lands by permission of the owner as caretakers shall apply as if on the date of the service of the notice a writ of possession had been duly executed, and such person, having been removed from possession, had been re-admitted as caretaker. When a person is deemed to have been put into possession of land as a caretaker under this section, he may be removed from possession at any time after one month from the service of such notice, but not earlier save by leave of the court, in the manner and under the conditions provided by law for the recovery of possession of premises occupied by a caretaker: or, at the expiration of the period of redemption, but not sooner, the possession of such land may be recovered by a writ of possession in the prescribed form under the said judgment in ejectment for nonpayment of rent; and in the case of proceedings being taken under the eighty-sixth section of the Landlord and Tenant Law Amendment Act (Ireland), 1860, for the removal from possession of such caretaker, the justices may, at the request of the landlord or owner of the premises, issue the warrant mentioned in such section to the sheriff of the county in which the premises are situated instead of to the special bailiff mentioned in the section, and such warrant shall be a sufficient authority to the said sheriff, his under sheriff or bailiff, to enter upon the said premises with such assistants as he shall deem to be necessary and to give possession accordingly; and he shall be under the same obligation to execute such warrant, and shall be entitled to the same fees and allowances, as if the warrant were a civil bill decree in ejectment, nevertheless payable solely by such landlord or owner of the premises. The justices may put a stay upon the issue of the warrant for any time not exceeding one month, if they think fit, by reason of illness of the caretaker or his family or any other sufficient reason. A warrant may be executed at any time not less than seven days nor more than two months from the issue thereof. The enactments of the eleventh and twelfth Victoria, chapter forty- 11 & 12 Vict. c. 47.

seven, intituled "An Act for the Protection and Relief of the "Destitute Poor evicted from their Dwellings in Ireland," shall apply to warrants under this section.

Save as provided by this Act, a judgment in ejectment for non-payment of rent of a holding where the rent does not exceed one hundred pounds by the year, or where the plaintiff elects to take advantage of and proceed under this section, shall not be executed by a writ of possession after the passing of this Act; but shall issue in the same form and manner, and for all other purposes shall be of the same force and effect as if this section had not been passed.

23 & 24 Vict. c. 154.

(3.) A person having the right to apply for a writ of restitution under the seventieth or seventy-first sections of the Landlord and Tenant Law Amendment Act (Ireland), 1860, may, within six months after the service of a notice under this section, apply for a writ of restitution of possession as if a writ of possession had been executed against him; and, subject to power to the court to award the costs thereof against the plaintiff if the application became necessary by reason only of the unreasonable conduct of the plaintiff, all the provisions of the said sections relative to the payment or lodgment of rent, arrears, and costs, and relative to the rights of the landlord and tenant respectively in the holding, shall regulate such application. At the end of the period of six months from the service of the notice determining the tenancy all right of redemption in the holding shall be at an end. In case such writ of restitution of possession shall be awarded, the landlord shall not be liable or accountable for any damage or injury occurring to the holding or the crops or produce thereof after the service of the notice aforesaid whilst the holding has been occupied by such caretaker. Provided that the landlord may nevertheless, if he so think fit, after such period has elapsed, reinstate such tenant in the tenancy of his holding in as full and ample a manner as he had previously thereto enjoyed it.

23 & 24 Vict. c. 154. 44 & 45 Vict. c. 49.

When a notice has been served under this section, any matter or thing which, in accordance with the Landlord and Tenant Law Amendment Act (Ireland), 1860, or the Land Law (Ireland) Act, 1881, or any other Act, might have been done within, but not after, a period of six months from the execution of a writ of possession, may be done within, but not after, a period of six months from the service of such notice; and in the said Acts the period of six months from the service of such notice shall be in lieu of the period of six months from the execution of a writ of possession.

Where a judgment in ejectment for nonpayment of rent has been executed before the passing of this Act, the time within which a writ of restitution of possession may be applied for shall be the time limited by the Landlord and Tenant Law Amendment Act (Ireland), 1860, in that behalf.

Service of a notice under this section, also the service of a summons under the eighty-sixth section of the Landlord and Tenant Law Amendment Act (Ireland), 1860, may be made in the prescribed way, or in any way in which the service of a writ of summons in an action in the High Court for the recovery of land may for the time being be made.

In this section expressions referring to the service of a notice upon persons in possession of land shall include the posting of a notice where no person is in possession.

A right to be registered as a voter or to vote at any parliamentary or other election shall not be affected by reason only of the service of a notice or notices under this section.

(4.) A return of the number of notices filed in court under this section, and, as far as possible, of the actual evictions in respect of such notices, shall be made from time to time to the Lord Lieutenant, and shall be presented by him to Parliament.

Power of surrender by middleman.

8.—(1.) Where a person (in this Act referred to as a middleman) pays rent for a holding which is wholly sublet, and the rent received by the middleman has been reduced by the court, or with the sanction of the court to a sum less than the rent which he pays, he may surrender his estate in such holding, without prejudice, however, to any liability incurred by him before such surrender, whether for rent or for any other matter.

(2.) Where only part of the holding is sublet, and the rent received by the middleman for the part so sublet has been reduced by the court, or with the sanction of the court, so that when added to the fair rent of the part of the holding which is not sublet, to be ascertained and determined by the court as herein-after mentioned, it is of less amount than the rent paid by the middleman, then also he may surrender his estate in the manner aforesaid.

(3.) In computing the amount of rent received by a person entitled to surrender under this section, twenty per centum deduction from the gross rent shall be allowed for cost of collection and other outgoings.

(4.) A person shall not be entitled to make a surrender under this section of an estate in land until he has first offered to the persons entitled to incumbrances on that estate, successively according to their priorities, to assign his estate to them.

(5.) When any estate in land is surrendered under this section, incumbrances on that estate shall not affect the land; but the persons entitled to such incumbrances may enforce payment thereof by any proceedings other than proceedings affecting the land, which they might have taken if such surrender had not taken place.

(6.) A person who is tenant for life of an estate capable of being surrendered under this section, or has, as respects such estate, the powers of a tenant for life within the meaning of the Settled Land Act, 1882, may surrender such estate in the like manner and subject to the like conditions as if such surrender were a sale within the meaning of the Settled Land Act, 1882. 45 & 46 Vict. c. 38.

(7.) A surrender under this section shall be by deed or note in writing.

(8.) The person to whom a surrender is proposed to be made shall not be bound thereby unless written notice of the intention to surrender be served within nine months after the passing of this Act, or within nine months after the making of the reduction of rent, upon which the right to surrender is founded, whichever shall last happen.

The person to whom a surrender is proposed to be made may apply to the court to restrain the surrender, upon the ground that the order

of the court reducing the rent has been procured by collusion or other undue means, or that for any other reason the surrender is inequitable.

(9.) Where any person claims to be entitled under this section to surrender his estate in any holding, part whereof only is sublet, the court shall have jurisdiction for the purpose of a surrender, to ascertain and determine the fair rent of the part not sublet, as if such part constituted a holding, and the person claiming to be entitled to surrender were the tenant, and the person to whom the surrender is proposed to be made were the landlord of such holding.

(10.) Where any estate in land is surrendered under this section, all sub-tenants of the person surrendering such estate shall thereupon become tenants to the person to whom such surrender is made at the rents and subject to the conditions of their sub-tenancies under the person so surrendering.

(11.) In this section the expression "holding" includes land held under a fee farm grant, and the expression "rent" includes the rent payable thereunder.

Town parks.

9. A holding shall not be deemed to constitute a town park, though within the definition of the expression "town parks" in section fifty-eight of the Land Law (Ireland) Act, 1881, if it is let and used as an ordinary agricultural farm, and may, in the opinion of the court, be included in the operation of the last-mentioned Act without substantially interfering with the improvement or development of the city or town to which it belongs, or the accommodation of the inhabitants thereof.

44 & 45 Vict. c. 49.

A town park shall not cease to be within the exemption contained in section fifty-eight of the Land Law (Ireland) Act, 1881, by reason only of the occupier ceasing to live in the city or town to which it belongs, or in the suburbs thereof, or by reason only of such town park devolving upon or becoming vested in a person not living in such city or town or in the suburbs thereof.

A parcel of land shall not come within the said exemption by reason only of the occupier coming to live in the city or town, or the suburbs thereof, or by reason only of the same devolving or being vested in a person living in such city or town, or the suburbs thereof.

PART II.

Purchase of Land.

Investment of guarantee deposit.

48 & 49 Vict. c. 73.

10. A guarantee deposit made under the Purchase of Land (Ireland) Act, 1885, may, on the application of the person by whom the deposit was made, or of any person for the time being interested in it, be invested by the Land Commission in the same investments in which it might have been invested under the direction of the High Court, if it had been capital money arising under the Settled Land Act, 1882, and paid into court, or in any securities in which trustees are by law for the time being authorised to invest trust moneys; and the interest thereof may be paid by the Land Commission to the person entitled thereto.

45 & 46 Vict. c. 38.

may be applied as a guarantee

chase of Land (Ireland) Act, 1885, any person in whom any

incumbrance charged upon the land constituting or comprising such holding is vested as a trustee, also any person who is a trustee for sale thereof, may apply any moneys, being the proceeds of the sale, coming to him as such trustee, for a guarantee deposit under the said Act.

Case where incumbrance is charged on several estates.

12. In any case in which, upon the sale of a holding under the said Act, any moneys, being the proceeds of such sale, coming to an incumbrancer upon such holding in respect of his incumbrance, are applied by him for the purposes of a guarantee deposit under the said Act, then if such incumbrance affect not only the said holding but also other lands the Commission may by order declare that such incumbrance shall, to the extent of the moneys so applied as a guarantee deposit, continue to be a charge upon such other lands in the same priority as it possessed before such sale; provided, however, that such order shall not be made unless the Commission be satisfied that all persons in whom incumbrances upon such other lands puisne to the said incumbrance are vested, consent thereto, and for the purposes of this section, all such persons, whether the incumbrances be vested in them as trustees or otherwise, may give such consent.

Provided also, that the Commission may, by the same or any other order, dispense with the consent of any such person or persons in any case in which, having due regard to the rights and interests of all parties concerned, it shall appear to them expedient to do so.

Duty of Land Commission with respect to enforcement of arrears.

13. The Land Commission shall not make an order under the third section of the Purchase of Land (Ireland) Act, 1885, declaring any sum due to them in respect of an advance secured by a guarantee deposit under that Act to be an irrecoverable debt until they have first attempted to enforce the payment of that sum by action or civil bill process, where there appears to be a reasonable probability of the debt being recoverable by such proceedings. In addition to any other remedy provided by the Land Law (Ireland) Acts, every annuity payable thereunder to the Land Commission, whether created before or after the passing of this Act, shall be recoverable by the Land Commission in the manner in which rentcharges in lieu of tithes are recoverable in Ireland.

Expediting proceedings on sales.

14. When an agreement has been made between a landlord and a tenant for the sale of a holding, and the Land Commission are satisfied that the landlord and the tenant are primâ facie entitled to carry such agreement into effect, and the Land Commission have agreed to make an advance under the Land Law (Ireland) Acts, the following enactments for facilitating the completion of the sale shall apply:—

(1.) The Land Commission may, if they think fit, pay into the Bank of Ireland the whole or any part of the amount of the advance to such credit as they may direct, and in any case where the tenant provides any portion of the purchase money may cause the same to be paid to the like credit, and may by order declare that the claims of all persons (except the tenant and persons claiming under him) who are interested in the land sold, whether as incumbrancers or otherwise, shall attach to the purchase money of such land in like manner as immediately before the sale they attached to the land, and shall

cease to be of any validity as against the land, and subject as in this Act mentioned shall be discharged or redeemed out of the purchase money, and the Land Commission shall determine the rights and priorities of the landlord and such other persons, and shall distribute the purchase money in accordance with such rights and priorities. Where the purchase money or any part of it is not immediately distributable, or the persons entitled thereto are not ascertained, or where from any other cause the Land Commission think it expedient for the protection of the rights of the persons interested, then the Land Commission shall, as the case requires, either retain the same under their control or deal with the same in the manner provided by the Settled Land Act, 1882, with respect to capital money arising under that Act, and may by order declare the trusts affecting such money or share, so far as the Land Commission have ascertained the same, or state the facts or matters found by them in relation to the rights and interests therein; and the Land Commission may from time to time make such orders in relation to any purchase money or share and the investment or application thereof, or the payment thereof, or the annual income thereof to the persons interested, as the circumstances of the case may require.

45 & 46 Vict. c. 38.

(2.) The Land Commission may at or after the time of making such order as above mentioned, and notwithstanding that it may have been agreed that the sale shall be carried into effect by means of a conveyance, exercise the powers contained in section nine, subsection five, of the Purchase of Land (Ireland) Act, 1885.

48 & 49 Vict. c. 73.

(3.) Any person in occupation of and paying rent for a holding which is held under a contract of tenancy, shall have power to enter into an agreement for the purchase thereof. Where a holding shall be conveyed to or vested in any such person, the interest thereby assigned to him shall be deemed to be a graft upon the previous interest of the tenant in such holding, and shall be subject to any rights or equities arising from its being such graft.

Crown rents, quitrents, and tithe rentcharge.

15.—(1.) When any land sold under the Land Law (Ireland) Acts is subject with other lands to any Crown rent, quitrent, or tithe rentcharge, the Land Commission may, if they think it expedient, apportion such Crown rent, quitrent, or tithe rentcharge, between the land sold and the other land, in such manner as to them seems equitable; and when any such land is subject with other lands to any land improvement charge or drainage charge, the Commissioners of Public Works, on the requisition of the Land Commission, may apportion the same between the land sold and other lands, and may issue a certificate setting forth such apportionment.

Upon any apportionment being made under this section, such portion of the rent or rentcharge or charge as is apportioned to the land sold shall alone be deemed to be the Crown rent, quitrent, tithe rentcharge, or drainage charge chargeable on the land sold.

(2.) The Land Commission may, if they think it expedient, order the redemption of any Crown rent, quitrent, or tithe rentcharge, or any apportioned part thereof, at a price to be fixed by the Land Commission. They may also, if they think it expedient, order the redemption of any land improvement charge or drainage charge or apportioned part thereof in accordance with the scale fixed by the statutes in that behalf.

(3.) No such apportionment or redemption of Crown or quitrent shall be made without the previous consent of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and no such apportionment or redemption of land improvement charge or of drainage charge payable to the Commissioners of Public Works, or redemption of tithe rentcharge payable to the Land Commission, shall be made without the previous consent of the Commissioners of the Treasury.

For the purpose of this section, the Commissioners of the Treasury may from time to time make rules for regulating the mode of giving consents, and the terms upon which consents shall be given.

When any such land sold is subject with other lands to any incumbrance as defined by this Act, the Land Commission may, if they think it expedient, require the persons entitled to such incumbrance to accept the money advanced for the purchase of the land sold in part discharge of the incumbrance, and the Land Commission may, if they think it expedient and just so to do, by order declare the land sold to be discharged of all incumbrances and upon the making of such order the incumbrances therein mentioned shall cease to be a charge upon such land.

Apportionment and redemption of annuities and charges.

16.—(1.) When any land sold under the Land Law (Ireland) Acts is subject with other lands to any annuity or rentcharge, the Land Commission may, if they think it expedient, by order apportion the same as between such land and the other lands subject thereto, and thereupon such part of the annuity or rentcharge as is apportioned on the land to be sold shall alone be deemed to be the annuity or rentcharge chargeable on such land.

(2.) When the Land Commission exercise the power of apportionment conferred on them by this section, and also when the Land Commission exercise the power of apportionment of rent conferred on them by the seventy-second section of the Landed Estates Court Act as extended by the tenth section of the Purchase of Land (Ireland) Act, 1885, then the part of an annuity, rentcharge, or rent which is apportioned upon any land sold shall cease to be a charge upon the land, and shall be transferred to the purchase money thereof; the last-mentioned power of apportionment may be exercised in any case notwithstanding that it may have been agreed that the sale shall be carried into effect by means of a conveyance.

(3.) The Land Commission shall, on the application of the person entitled to a part of an annuity, rentcharge, or rent, which part shall have been apportioned by them upon land sold, and may, if they think it expedient, without such application, order the redemption of such annuity, rentcharge, or rent, or of an apportioned part thereof, and may, notwithstanding the fact that no apportionment

has been made, order the redemption of any annuity, rentcharge, or rent affecting land sold, at a price to be fixed by agreement between the parties, or to be determined by the Land Commission, if the parties consent that the Land Commission should determine it, or if they do not consent, then to be settled by arbitration in the manner provided by the twenty-fifth section and the schedule of the Landlord and Tenant (Ireland) Act, 1870; the award of the Court of Arbitrators shall be recorded in the Court of the Land Commission, and the provisions relating to the Civil Bill Court, in the said schedule contained, shall, for the purposes of this section, be taken to apply to the Land Commission.

A person who is tenant for life of an estate in any annuity, rentcharge, or rent to which this section applies, or who has, as respects such annuity, rentcharge, or rent, the power of a tenant for life within the meaning of the Settled Land Act, 1882, shall be deemed to be a person entitled thereto; and if such annuity, rentcharge, or rent is redeemed under this section, the purchase money shall be dealt with as capital moneys arising under the said Act.

Limit on advances by Land Commission.

17. No advances shall be made by the Land Commission to any one purchaser of land under the Land Law (Ireland) Acts exceeding the sum of five thousand pounds in all.

Charging order for securing repayment of advance.

18.—(1.) Every advance made by the Land Commission under the Land Law (Ireland) Acts shall be secured by an order of the Land Commission declaring the land upon which such advance is made to be charged with the repayment of the advance with interest in such manner as the order may direct. In case any interest or instalment mentioned in such order, or in any order made by a land judge of the Chancery Division of the High Court of Justice in Ireland, under the provisions of the Land Law (Ireland) Acts, shall be in arrear for the space of forty days after the time the same might be paid, it shall be lawful for the Land Commission to exercise the powers of sale and other powers conferred upon mortgagees by sections nineteen, twenty-one, and twenty-two of the Conveyancing and Law of Property Act, 1881, so far as the same is applicable. The Land Commission shall apply the moneys arising upon any such sale in manner provided by section fifteen of the Purchase of Land (Ireland) Act, 1885.

44 & 45 Vict. c. 41.

48 & 49 Vict. c. 73.

(2.) Section thirty-four, subsection three, of the Land Law (Ireland) Act, 1881, and subsection (*c*) of section four of the Purchase of Land (Ireland) Act, 1885, shall be and the same are hereby repealed.

44 & 45 Vict. c. 49.

Jurisdiction of High Court to reduce rents in certain cases.

19. Where an absolute order for the sale of land is made by a judge of the Chancery Division of the High Court of Justice in Ireland, and a receiver has been appointed, it shall be lawful for a judge of the said division to make, upon such terms as he thinks fit, a temporary abatement in the rent, or a remission of a part of the arrears of rent, due from a tenant of a holding on such land, if, having regard to all the circumstances of the case, and to the interests of the parties, owners, petitioners, or incumbrancers consenting or refusing to consent thereto, he thinks it just and expedient so to do.

Priority of charge for advance.

20. Every annuity payable in respect of any advance made either before or after the passing of this Act to enable a tenant to purchase

a holding under the Land Law (Ireland) Acts, shall be a charge on the holding subject thereto, having priority over all existing and future estates, interests, and incumbrances created either by the landlord or the tenant, or their respective predecessors in title, and whether before or after the making of the advance, with the exception of quitrent and other charges incident to the tenure, rent-charges in lieu of tithes, and any charges created under any Acts authorising advance of public money, or under any Act creating charges in respect of improvements on lands and passed before this Act, and with the exception also (in cases where lands are subject to a fee-farm rent or held under a lease reserving rent) of such fee-farm rent or rent reserved as aforesaid. Every such annuity payable to the Land Commission shall be payable in equal half-yearly payments on the first day of May and the first day of November in each year. The first half-yearly payment of any such annuity shall, where the advance is not made on one of the said gale days, be due and paid on the second of such gale days after the date of the advance, and together with such first half-yearly payment there shall be due and paid an additional sum for interest on the advance at the rate of three and one eighth per centum per annum from the date of the advance until the first gale day next after that date. A certificate purporting to be under the seal of the Land Commission, or the Commissioners of Public Works, as the case may be, shall be evidence that the amount of any annuity or arrears of annuity stated therein to be due under any of the said Acts in respect of any holding named therein, is due to the Land Commission or the Commissioners of Public Works, as the case may be, in respect of such holding.

Writ of possession.

21. When any holding is sold by or at the suit of the Land Commission, the Land Commission may, on the application of any purchaser, issue an order to the sheriff to put such purchaser in possession of the holding, or part thereof, purchased by him, and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

Specific performance.

22. When either before or after the passing of this Act a sale of a holding has been agreed to be made by a landlord to a tenant, and an application for an advance to enable the tenant to buy the holding has been sanctioned by the Land Commission, either party to the agreement for sale may apply in a summary manner to the Land Commission to decree the specific performance of the agreement; and the Land Commission shall have all such jurisdiction and authority to decide upon such application and to make a decree for specific performance as are vested in the Chancery Division of the High Court of Justice in Ireland, for the like purposes, subject to the like appeal as in the case of other orders made by the Land Commission.

Amendments of 48 & 49 Vict. c. 73. ss. 10 and 13.

23. That paragraph of section ten of the Purchase of Land (Ireland) Act, 1885, which incorporates section seventy of the Landed Estates Court Act, shall be amended by the substitution of the words "Land Commission," for the words "Land Judges," occurring therein, and the power of appointing new trustees given by the thirteenth section of the Purchase of Land (Ireland) Act, 1885,

shall extend to all cases in which it may be necessary to appoint new trustees for the purposes of any sale under the Land Law (Ireland) Acts.

Reduction of interest on loans under 33 & 34 Vict. c. 46, ss. 44, 45; 35 & 36 Vict. c. 32, s. 1.

24. Whereas by section forty-four and section forty-five of the Landlord and Tenant (Ireland) Act, 1870, and by sub-section three of section one of the Landlord and Tenant (Ireland) Act, 1872, the Commissioners of Public Works in Ireland (in this Act referred to as the Commissioners of Works) were authorised to agree to advance to a tenant purchasing his holding a sum not exceeding two-thirds of the value of the holding, and such advance is to be repaid by a charge made by virtue of the said sections, or by a security from the tenant of an annuity of five pounds for every hundred pounds of such advance, payable to the Commissioners of Works for thirty-five years;

And whereas in calculating such annuity, interest was reckoned at the rate of three and one-half per centum per annum, and it is expedient to reduce the annual amount of the annuity by reducing the rate of interest and extending the term of the annuity: Be it therefore enacted as follows:—

(1.) As from the gale day next after the passing of this Act, any annuity charged on a holding under section forty-four or section forty-five of the Landlord and Tenant (Ireland) Act, 1870, or section one of the Landlord and Tenant (Ireland) Act, 1872, shall (save as herein-after mentioned) be reduced from five per centum to four per centum on the amount of the advance; and shall be payable for such term as the Commissioners of Works may by order declare to be necessary for the repayment, with interest at three and one-eighth per centum per annum, of so much of the advance as has not accrued due for payment on the said gale day, and the order shall, as soon as may be after the passing of this Act, be made and notified by post or otherwise, in manner directed by the said Commissioners, to the person appearing to them to be the person paying the annuity;

(2.) Provided that the said Commissioners may in any case in which they think the special circumstances justify so doing, grant such extension of the term as they think just, so that the term shall not in any case exceed forty-nine years from the date of the advance, and shall adjust the annuity and vary the order accordingly.

(3.) Where on the gale day next after the passing of this Act there are unpaid arrears of instalments of the annuity in excess of the instalment due on the said gale day, this section shall not apply to such annuity except upon such order of the Commissioners of Her Majesty's Treasury (in this Act referred to as "the Treasury") as herein-after mentioned.

(4.) Where the Treasury are satisfied upon the report of the Commissioners of Works that in the case of the purchaser of a holding whose instalments are so in arrear, the special circumstances are such that it is equitable to apply the provisions of this section to such purchaser, and to make such provision as herein-after mentioned for the arrears, the Treasury may, if they think fit, order that on payment within the time limited

by the order of a portion of the arrears, not being less than the amount of the instalments of the annuity for six months, if so much be due, the remainder of the arrears shall be repayable by such addition to the amount of the annuity for repaying the advance as will repay the said remainder with interest at the rate of three and one-eighth per centum per annum within the period at which the last-mentioned annuity will, by virtue of this Act or otherwise, terminate, and upon such order being made and portion of arrears paid this section shall apply, and the Commissioners of Works shall make an order accordingly, and by such order charge the holding with the addition to the annuity for the repayment of arrears, and such charge shall have the same priority as the charge on the holding of the annuity in arrear.

(5.) An order of the Commissioners of Works under this section shall be deemed, according as the case requires, to form part of the order under section forty-four or section forty-five of the recited Act, or of the security or deed charging the annuity.

Reduction of interest paid on mortgages held by the Irish Land Commission as successors of the Commissioners under 32 & 33 Vict. c. 42, and the Church Temporalities Commissioners.

25. Whereas in pursuance of section fifty-two of the Irish Church Act, 1869, the Commissioners acting under that Act credited the purchasers of land, or interests in land, with part of the purchase money on having security for payment of the same, and the sums so credited to purchasers, or many of them, are now mortgage debts due to the Irish Land Commission as the successors of the Commissioners acting under that Act, and are secured in some cases by a simple mortgage, and in other cases by an instalment mortgage providing for the payment of the principal sum with interest by instalments extending over a term of years (which instalments with the interest are in this section referred to as the instalments);

And whereas the rate of interest on such mortgages was calculated at not less than four per centum per annum, but has been in some cases reduced to three and one-eighth per centum per annum by an order of the Irish Land Commission, under section twenty three of the Purchase of Land (Ireland) Act, 1885, and it is expedient to provide in other cases for the like reduction in manner provided by this section: Be it therefore enacted as follows:

(1.) As from the gale day next after the passing of this Act, or any later date specified in an order under this section, the annual amount payable to the Irish Land Commission in respect of any such instalment mortgage as above-mentioned shall, save as herein-after mentioned, be reduced by such amount as is necessary to reduce the rate of interest from four to three and one-eighth per centum per annum, and the term may be extended by the Irish Land Commission, so that it do not exceed forty-nine years from the date of the

(2.) As from the gale day next after the passing of this Act, or any later date specified in the order herein-after mentioned, the annual amount payable to the Irish Land Commission in respect of any such simple mortgage as above mentioned, shall, save as herein-after mentioned, be at the rate for interest of three and one-eighth per centum, and for repayment of prin-

cipal of seven-eighths per centum on the amount of principal due under such mortgage on the said day, and such amount shall be payable by half-yearly payments on the days on which the interest in the said mortgage is payable, and for forty-nine years from the said day, and the mortgage shall then, except for the purpose of recovering arrears, determine.

(3.) An order of the Irish Land Commission fixing the annual amount and the term of years shall, as soon as may be after the passing of this Act, be made and notified by post, or otherwise in manner directed by the Irish Land Commission, to the person for the time being paying the interest on any simple, or the instalment on any instalment mortgage, or otherwise appearing to the Commission to be liable to pay the same:

(4.) Provided that the Irish Land Commission may in any case in which they think the special circumstances justify so doing, grant such variation of the term as they think just, and may vary the order accordingly, so that the term shall not in any case exceed forty-nine years from the date of the mortgage.

(5.) Where on the gale day next after the passing of this Act there are unpaid arrears in respect of interest under any simple mortgage, or instalments under an instalment mortgage, over and above half-yearly payments due on the said gale day, this section shall not apply to such mortgage except that if the Treasury on the report of the Land Commission are satisfied that it is equitable to apply this section to any such mortgage—

(a.) The Treasury may order that on payment within a period fixed by the order and notified in like manner as above provided of a portion of the said arrears, being not less than the amount of interest or instalments due for six months, if so much be due, the remainder of the arrears shall be repaid by such addition to the periodical instalments as will be sufficient to pay the said remainder with interest at the rate of three and one-eighth per centum per annum by the expiration of the period at which the mortgage, by virtue of this Act or otherwise, will cease; and

(b.) Upon such order being made and portion of arrears paid, this section shall apply, and the Irish Land Commission shall make an order under this section with reference to such mortgage as if all arrears of interest and instalments required to be paid before the making of the order were paid, and such order shall also provide for such additions to the mortgage as above mentioned.

(6.) Any order of the Irish Land Commission under this section, also any order purporting to be made by such Commission in pursuance of section twenty-three of the Purchase of Land (Ireland) Act, 1885, whether before or after the passing of this Act, shall have effect as if the mortgage referred to in the order were modified in the manner provided by the order, and if the order provides for an addition to the debt in pursuance of this section as if the mortgage included that addition, and an addition so made shall have the same priority as the debt created by the mortgage, and any such order shall be binding

on all persons interested in the equity of redemption of such mortgage.

(7.) Nothing in this section shall apply to a mortgage as to which an order has been made under section twenty-three of the Purchase of Land (Ireland) Act, 1885, before the passing of this Act.

(8.) Nothing in this section shall apply to the purchasers of perpetuity rents.

Release of forfeiture incurred by purchaser to whom money advanced. 33 & 34 Vict. c. 46, ss. 44, 45.

26. Whenever a holding has, either before or after the passing of this Act, become forfeited to the Commissioners of Works, under section forty-four or forty-five of the Landlord and Tenant (Ireland) Act, 1870, and a legal proceeding in respect of such forfeiture has either not been taken by the said Commissioners, or if taken, has been abandoned, they may, with the consent of the Treasury, if it seem fit, after notice to all persons appearing to the Commissioners of Works to be concerned, order that the holding shall be released from the forfeiture as from the date at which it accrued, and shall vest in the person named in the order discharged from all claims on account of the alienation, subletting, or other act, on account of which the forfeiture was incurred.

Such order shall have full effect and be binding on all persons interested in the holding; and the holding, after the date thereof, shall cease to be subject to the conditions imposed by the sections above in this section mentioned, and shall be subject to the conditions imposed by section thirty of the Landlord and Tenant (Ireland) Act, 1881, and that section shall apply with the substitution of the Commissioner of Works for the Land Commission.

Reduction of interest on loans under 44 & 45 Vict. c. 49.

27. Whereas under the Landlord and Tenant (Ireland) Act, 1870, and the Landlord and Tenant (Ireland) Act, 1872, as amended by section thirty-five of the Land Law (Ireland) Act, 1881, and under section twenty-four and under section twenty-six of the Land Law (Ireland) Act, 1881, the Irish Land Commission were authorised to advance to a tenant purchasing his holding a sum not exceeding such proportion of the purchase-money as is therein mentioned, and such advance is to be repaid by a charge made by virtue of the said sections, or by a security from the tenant of an annuity of five pounds for every hundred pounds of such advance, payable to the Irish Land Commission for thirty-five years;

And whereas, in calculating such annuity, interest was reckoned at the rate of three and one-half per centum per annum, and it is expedient to reduce the annual amount of the annuity by reducing the rate of interest and extending the term of the annuity, be it therefore enacted as follows:

(1.) As from the first gale day next after the passing of this Act any annuity charged on a holding for the repayment of an advance made in pursuance of section thirty-five of the Land Law (Ireland) Act, 1881, or the Acts in that section mentioned or made in pursuance of section twenty-four or section twenty-six of the Land Law (Ireland) Act, 1881, shall (save as herein-after mentioned) be reduced from five per centum to four per centum on the amount of the advance; and shall be payable for such term as the Irish Land Com-

mission may by order declare to be necessary for the repayment, with interest at three and one-eighth per centum per annum, of so much of the advance as has not accrued due for payment on the said gale day; and the order shall, as soon as may be after the passing of this Act, be made and notified, by post or otherwise, in manner directed by the said Commissioners to the person appearing to them to be the person paying the annuity:

(2.) Provided that the said Commission may, in any case in which they think the special circumstances justify so doing, grant such extension of the term as they think just, so that the term shall not in any case exceed forty-nine years from the date of the advance, and shall adjust the annuity and vary the order accordingly.

(3.) Where on the gale day next after the passing of this Act there are unpaid arrears of instalments of the annuity in excess of the instalment due on the said gale day, this section shall not apply to such annuity except upon such order of the Treasury as herein-after mentioned.

(4.) Where the Treasury are satisfied upon the report of the Irish Land Commission that in the case of the purchaser of a holding whose instalments are so in arrear the special circumstances are such that it is equitable to apply the provisions of this section to such purchaser, and to make such provision as herein-after mentioned for the arrears, the Treasury may, if they think fit, order that on payment, within the time limited by the order, of a portion of the arrears, not being less than the amount of the instalments of the annuity for six months if so much be due, the remainder of the arrears shall be repayable by such addition to the amount of the annuity for repaying the advance as will repay the said remainder with interest at the rate of three and one-eighth per centum per annum within the period at which the last-mentioned annuity will by virtue of this Act or otherwise terminate; and upon such order being made, and portion of arrears being paid, this section shall apply, and the Irish Land Commission shall make an order accordingly, and by such order charge the holding with the addition to the annuity for the repayment of arrears, and such charge shall have the same priority as the charge on the holding of the annuity in arrear.

(5.) An order of the Irish Land Commission under this section shall be deemed, according as the case requires, to form part of the order under the sections of the recited Acts, or of the security or deed charging the annuity.

Certificate of sums due.

28. Where any sum is due to the Irish Land Commission or to the Commissioners of Public Works in respect of any advance made to, or purchase money due from, the purchaser of any land or interest in land, and is unpaid for the space of not less than six months after the same has become due, the Irish Land Commission or Commissioners of Public Works, as the case may be, may give a certificate of the amount so due, and such certificate shall be evidence in the same manner as a certificate under section forty-nine of the Landlord and Tenant (Ireland) Act, 1870.

Part III.

Equitable Provisions.

Temporary adjustment of judicial rents.

29. The following enactments shall take effect with respect to judicial rents fixed before the first day of January, one thousand eight hundred and eighty-six:—

As soon as possible after the passing of this Act, the Land Commission, having regard to the difference in prices affecting agriculture in counties, poor law unions, or other areas, between the year one thousand eight hundred and eighty-seven, and each of the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, and one thousand eight hundred and eighty-five, shall without application determine with reference to such counties, unions, or other areas what alteration, if any, ought equitably to be made in the judicial rents to become payable in such counties, unions, or areas, in respect of the year commencing from the gale day next before the passing of this Act, according as such judicial rents were fixed in one or other of the years before the first day of January, one thousand eight hundred and eighty-six, respectively, so that the rent fixed under the provisions of this section shall differ by the difference in prices as aforesaid in the respective years, and the judicial rents payable in respect of the year aforesaid in such counties, unions, or areas shall be varied to the extent so determined by the Land Commission.

In the year one thousand eight hundred and eighty-eight, and in one thousand eight hundred and eighty-nine, the Land Commission shall, in like manner, determine what alteration, if any, ought equitably to be made in the judicial rents payable for the year commencing from the first gale day in each of the said years respectively, and such rents shall be varied to the extent determined by the Land Commission.

The Land Commission shall proceed by counties, poor law unions, or other areas as they think fit, in reference to such alterations of judicial rents, and may cause to be made such inspections and reports as may be necessary, and may ascertain averages, and may proceed in all other respects in such manner as may appear to them to be necessary for carrying out the objects aforesaid.

The Land Commission shall publish the orders made by them under this section in such manner for giving information to all persons interested as they think most convenient.

A copy of every order made by the Land Commission under this section shall be published in the "Dublin Gazette."

The production of a printed copy of the "Dublin Gazette," purporting to be published by the Queen's authority, and containing the publication of any order of the Land Commission under this section, shall be evidence of the contents of such order, and of the date thereof, and that it has been duly made.

Power of court to stay eviction.

30.—(1.) In any proceedings for the recovery of a holding to which this section applies, for nonpayment of rent, or in any action for debt or damages by any person against the tenant of such holding if the court in which the proceedings are pending is satisfied that the tenant of the holding is unable to satisfy by an

immediate payment in full the judgment and costs, and that such inability does not arise from his own conduct, act, or default, and there is reasonable ground for granting an extension of time to pay, the court may put a stay upon the execution of the judgment of the court in such ejectment, or, in case of an ordinary judgment, may put a stay upon the execution of a writ of fieri facias as against the tenant's interest in the holding for such time as the court thinks reasonable, and the court may, in any such ejectment, if it thinks fit, order that the arrears of rent and the costs, or such sum in satisfaction thereof as may be agreed on between the parties, shall be paid by such instalments as the court may appoint: Provided that where the landlord has offered to accept in full satisfaction of the arrears of rent such lesser sum, payable either in one payment or by instalments as the court shall think reasonable, and the tenant refuses such offer, no stay of execution shall be granted under this section.

(2.) If the court is of opinion that the tenant can pay the first of such instalments forthwith, the court shall so order. If default is made in complying with the order of the court for the payment of the first or any subsequent instalment, the stay upon the execution of the judgment in ejectment shall be removed, and it may thereupon be executed by a writ of possession in the prescribed form; and upon the execution thereof, or upon the expiration of a period of six months from the recovery of the judgment, whichever shall last happen, all right of redemption in the holding shall be determined.

(3.) This section shall apply to every holding in respect of which a judicial rent has been fixed, or can be fixed under the Land Law (Ireland) Act, 1881, as amended by this Act, held by a tenant whose holding, or the aggregate of whose holdings, whether under one or more landlords, is valued under the Acts relating to the valuation of rateable property in Ireland at not more than fifty pounds a year.

(4.) This section shall apply to judgments in ejectment for nonpayment of rent, or for debt or damages recovered but not executed before the passing of this Act against the tenant of such holding as aforesaid.

Where any such judgment for nonpayment of rent so recovered shall be executed against any such tenant as aforesaid, the court may, notwithstanding such execution, within three months after the passing of this Act, and under like conditions, and subject to like terms as to instalments and otherwise, as if the judgment had not been executed, make an order setting aside such execution, staying the further execution of such judgment, and, if necessary, restoring the tenant to the possession of the holding.

In case of any judgment for debt or damages so recovered against such tenant, the same shall not be executed against the tenant's interest in his holding, without the leave of the court, within the like period.

Appeals.

31. Save as by this Act is otherwise expressly provided, every decree, order, and decision of a county court judge exercising jurisdiction under this Act, shall be subject to the like appeal as if the same were a decree pronounced by a county court judge

in exercising ordinary civil bill jurisdiction under the Civil Bill Courts (Ireland) Act, 1851. 14 & 15 Vict. c. 57.

32. For aiding the county court judges in performing the duties imposed on them by the Act of 1881 and this Act, the Land Commission may from time to time, but subject to the approval of the Lord Lieutenant, nominate independent valuers, to some one of whom each county court judge may, whenever necessary, refer any question for report. Court valuers in county courts.

Such valuers shall be paid such remuneration as the Treasury may determine.

PART IV.

Miscellaneous.

33.—(1.) In the case of the High Court the powers of making rules and orders, and of prescribing forms, and of regulating the mode of proving the service, and of proving the date of service of notices under this Act, and of determining the persons upon whom notices under this Act are to be served, and for prescribing anything by this Act authorised to be prescribed, shall be from time to time exercised by the authority and in the manner prescribed by the sixty-first section of the Supreme Court of Judicature Act (Ireland), 1877, and in that section, for the purposes of rules under this Act, the Lord Chancellor and the other judges therein referred to, or any four of them with the Lord Chancellor, shall be substituted for the judges therein referred to. Rules, orders, &c., fees, costs, and charges. 40 & 41 Vict. c. 57.

In the case of the Land Commission, rules may be made in the manner provided by the Land Law (Ireland) Act, 1881.

In the case of the county court, the above-mentioned powers shall from time to time be exercised by the authority and in the manner prescribed by section seventy-nine of the County Officers and Courts (Ireland) Act, 1877. 40 & 41 Vict. c. 56.

(2.) On the passing of this Act, the authority mentioned in the eighty-fourth section of the County Officers and Courts (Ireland) Act, 1877, shall amend the existing scale of fees, costs, and charges to be paid to counsel and solicitors in ejectments for nonpayment of rent in the Civil Bill Courts, so that the total fees, costs, and charges in any such ejectment as between party and party shall, so far as may be practicable and reasonable, not exceed the total fees, costs, and charges between party and party according to the scale for the time being in force of such fees, costs, and charges in ordinary civil bills, as if such ejectment were an ordinary civil bill and the annual rent of the holding for which such ejectment is brought was the amount sued for or recovered respectively in such ordinary civil bill. Such amended scale of fees, costs, and charges may be subsequently amended from time to time by the same authority if in practice it is found to be insufficient.

34. In this Act, unless the context otherwise requires— Definitions.

The expression "ejectment" means any action for the recovery of the possession of land in the High Court of Justice or in the Civil Bill Court:

The expression "judgment" as respects ejectment means decree of a civil bill court or a judgment of the High Court:

The expression "writ of possession" includes a decree for possession:

The expression "incumbrance" means any legal or equitable mortgage in fee, or for any less estate, and also any money secured by a trust, and also any legacy, portion, lien, or other charge, whereby a gross sum of money is secured to be paid on an event or at a time certain, and also any annual or periodical charge which, by the instrument creating the same, or any other instrument, is made purchaseable on payment of a gross sum of money, and every other charge on land which is deemed an incumbrance in a court of equity, and which a court would discharge by a sale of the land charged, or by the appointment of a receiver over the same:

The word "landlord" shall, for the purposes of sales to tenants under the Land Law (Ireland) Acts, include any person entitled to an estate as a trustee for sale, and any limited owner, as defined by section thirty-three of the Landlord and Tenant (Ireland) Act, 1870:

33 & 34 Vict. c. 46.

The expression "tithe rentcharge" includes any annual sum payable to the Land Commission under the thirty-second section of the Irish Church Act, 1869, as amended by any Act or Acts:

32 & 33 Vict. c. 42.

The expression "land improvement charge" includes any charge for land improvement loans payable to the Commissioners of Public Works in Ireland under the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to facilitate the Improvement of Landed Property in Ireland," and the Acts amending the same:

10 & 11 Vict. c. 32.

The expression "drainage charge" includes any charge for drainage loans payable to the said Commissioners under the same Act and Acts amending it, or under the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, or any subsequent Act; and also any charge payable to the Drainage Board of a Drainage District under the Drainage and Improvement of Land Act (Ireland), 1863, and the Acts amending the same:

5 & 6 Vict. c. 89.

26 & 27 Vict. c. 88.

Save in Part Two of this Act, the expression "holding" does not include any holding which is not agricultural or pastoral or partly agricultural and partly pastoral in its character:

The expression "prescribed", when used with reference to proceedings before the Land Commission, means prescribed by rules made under the Land Law (Ireland) Act, 1881; when used with reference to other proceedings, means prescribed by rules made under the Supreme Court of Judicature Act (Ireland), 1877 as amended by this or any other Act, or under the County Officers and Courts (Ireland) Act, 1877, as the case may be:

44 & 45 Vict. c. 49.

40 & 41 Vict. c. 57.

The definitions contained or incorporated in the Land Law (Ireland) Act, 1881, and the County Officers and Courts (Ireland) Act, 1877, shall apply to this Act:

40 & 41 Vict. c. 56.

The expression "The Land Law (Ireland) Acts" includes the Landlord and Tenant (Ireland) Act, 1870, the Land Law (Ireland) Act, 1881, Part II. of the Tramways and Public Companies (Ireland) Act, 1883, the Purchase of Land (Ireland) Act, 1885, and any Act amending them. 33 & 34 Vict. c. 46. 44 & 45 Vict. c. 49. 46 & 47 Vict. c. 43. 48 & 49 Vict. c. 73.

35. This Act may be cited for all purposes as the Land Law (Ireland) Act, 1887. Short title.

SCHEDULE. Section 7.

Form of Notice to be served after Judgment in Ejectment for Nonpayment of Rent.

In the High Court of Justice in Ireland, Division [*or* in the Civil Bill Court of the County of].

Between *A.B.* - - - - Plaintiff,

and

C.D. and *E.F.* - - Defendants.

To *C.D.* and *E.F.*, &c.

Take notice, that a judgment [*or* decree] for the recovery of the lands of for nonpayment of rent has been recovered by the above-named *A.B.*

And that any person entitled by law to redeem the said lands must do so within a period of six months from the service [*or* posting] of this notice, and that any person being a tenant or having a specific interest in the tenancy, and desiring to redeem, must pay to *A.B.* [landlord's name], at , or *G.H.* [agent's name] at , or lodge in the Division of the High Court [*or* with the clerk of the peace], the rent, arrears, and costs within the said period of six months. The particulars of the rent and costs are as follows:—[set them out as in the judgment or decree.]

On the service [*or* posting] of this notice, the persons to whom it is addressed, being in possession of any part of the lands, are deemed to be in possession as caretakers, and the service of this notice operates in the same manner as if the judgment [*or* decree] in ejectment had been executed against them, and as if having been removed from possession, they had been reinstated as caretakers.

Signed by *G.H.* for *A.B.*

Dated, &c.

CHAPTER 34.

An Act for the transfer to the Metropolitan Board of Works and the maintenance of certain Public Parks and Works in the Metropolis. [23rd August 1887.]

WHEREAS the parks, garden, bridge, and embankment hereinafter mentioned have hitherto been maintained at the cost of the Exchequer, and it is expedient that they should be maintained out of local rates:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and