For any Parcel exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence:

For Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight, such reasonable Sum as the Owners of the Tramway may think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term shall apply only to single Parcels in separate Packages.

SINGLE ARTICLES OF GREAT WEIGHT.

For the Carriage of any One Boiler or Cylinder, or any One Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Three Tons, the Owners of the Tramway may demand such Sum as they think fit.

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9. Nothing herein contained shall be held to prevent the Owners of the Tramway from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of and Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger or other Trains, or by reason of any other special Service performed by the Owners of the Tramway in relation to such Goods.

SCHEDULE (C.)

General Acts relating to Railways by this Act made applicable to Tramways.

—	Session and Chapter.	Title.
1	1 & 2 Vict. c. 98* - -	An Act to provide for the Conveyance of the Mails by Railways.
2	3 & 4 Vict. c. 97. - -	An Act for regulating Railways.
3	5 & 6 Vict. c. 55. - - -	An Act for the better Regulation of Railways, and for the Conveyance of Troops.
4	7 & 8 Vict. c. 85. - - -	An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways.
5	17 & 18 Vict. c. 31. - -	The Railway and Canal Traffic Act, 1854.

* As amended by 10 & 11 Vict. c. 85. s. 16.

CAP. CLIII.

An Act to amend the Law relating to the Tenure and Improvement of Land in *Ireland*. [28th *August* 1860.]

'WHEREAS it is expedient that Provision should be made for facilitating Improvements of Landed Property in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PRELIMINARY.

Short Title. I. This Act may be cited for all Purposes as "The Landed Property (*Ireland*) Improvement Act, 1860."

Application of Act. II. This Act shall apply to *Ireland* only.

Commencement of Act. III. This Act shall come into operation on the Second Day of *November* One thousand eight hundred and sixty.

"Clerk of the Peace." IV. The Expression "the Clerk of the Peace" as herein-after used shall mean the Clerk of the Peace of the County where any Lands in respect of which any Matter arises are situate, and if the Lands in question are situate not wholly in One County, the same Expression shall be construed to mean the Clerk of the Peace of any County where any Part of such Lands are situate, and it shall include any Deputy of any such Clerk of the Peace.

"Chairman." V. The Expression "Chairman" as herein-after used shall mean the Chairman of the Quarter Sessions of the County where the Matter requiring the Cognizance of any such Chairman arises, and where such Matter arises in respect of Lands situate not wholly in any One County, it shall mean the Chairman of the Quarter Sessions of any County where any Part of such Land is situate.

Definition of "Settlement." VI. The Word "Settlement" as herein-after used shall include any Act of Parliament, Will, Deed, or other Assurance or connected Set of Assurances whereby particular Estates or particular Interests in Land are created, with Remainders or Interests expectant thereon; and every Estate and Interest created by Appointment made in exercise of any Power contained in any Settlement or derived from any Settlement shall be considered as having been created by the same Settlement, and an Estate or Interest by way of resulting Use or Trust to or for the Settlor, or his Heirs, Executors, or Administrators, shall be deemed to be an Estate or Interest under the same Settlement.

PART I.

LANDLORDS IMPROVEMENTS.

Definition of "Limited Owner." VII. The Expression "Limited Owner" as used in this Part of this Act shall mean any Person entitled under any existing or future Settlement at Law or in Equity, for his own Benefit and for the Term of his own Life, to the Possession or Receipt of the Rents and Profits of Land, whether subject or not to Incumbrances, in which the Estate for the Time being subject to the Trusts of the Settlement is an Estate for Lives or Years renewable for ever, or is an Estate renewable for a Term of not less than Sixty Years, or is an Estate for a Term of Years of which not less than Sixty are unexpired, or is a greater Estate than any of the foregoing Estates.

Guardians to be deemed Limited Owners in certain Cases. VIII. Where any Limited Owner is a Minor, or of unsound Mind, or a married Woman, the Guardian, Committee, or Husband, as the Case may be, of such Limited Owner, may himself exercise all Powers which such Limited Owner might exercise in pursuance of this Act if he or she were adult, of sound Mind, or unmarried; subject to this Proviso, that a married Woman, entitled for her separate Use, and not restrained from her Anticipation, shall for the Purposes of this Act be treated as if she were not married.

Definition of "Successor." IX. The Term "Successor" as used in this Part of this Act shall mean the Person next entitled under the Settlement to the Possession or the Receipt of the Rents and Profits of the Lands in defeasance of or on the Determination of the Estate of the Limited Owner, but if the Place of Abode of such Person is not known, or if there is no such Person in existence, or if he is abroad, or an Infant, or a Lunatic, or if such Person is a married Woman not having an Estate that constitutes her a Limited Owner, or if it is doubtful who falls within the Description of the Successor, or if for any Reason it is found difficult or impracticable

impracticable to serve the Successor, the Term Successor shall mean such Person, if any, as may be directed to be substituted for the Purposes of this Act for the Successor by One of the Judges of the Landed Estates Court, upon an Application made to him for that Purpose by the Limited Owner.

Limited Owner entitled to Compensation for Improvements.

X. Any Limited Owner of Land may, with the Sanction of One of the Judges of the Landed Estates Court, make such Improvements thereon as are herein-after mentioned, and upon the Completion thereof shall be entitled, by way of Compensation for his Outlay, to an Annuity, of such Amount and to be charged in such Manner as is herein-after mentioned, on the Lands on which the Improvements have been made, and any other Lands lying together with the first-mentioned Lands, and comprised in the same Settlement.

Definition of "Improvements."

XI. The Word "Improvements" as used in this Part of this Act shall comprise the following Works; (that is to say,)

(1.) The Thorough Drainage or Main Drainage of Land:
(2.) Reclaiming of Land from tidal or other Waters:
(3.) Protection of Land by Embankment from tidal or other Waters:
(4.) Reclaiming Bog Land, or reclaiming or inclosing Waste Land:
(5.) Making Roads or Fences:
(6.) Erection of Farm Buildings, Houses for Stewards, Labourers, or other Persons employed in superintending the Cultivation of or in cultivating Land, and of other Buildings for Farm Purposes:
(7.) The Renewal or Reconstruction of any of the foregoing Works, or such Alterations therein or Additions thereto as are not required for maintaining the same, and increase durably their Value.

Mode of Application.

XII. In order to obtain such Sanction to Improvements proposed to be made, the Limited Owner shall lodge with the proper Officer of the Landed Estates Court a Statement of the Particulars of the intended Improvements, the proposed Manner of effecting such Improvements, the estimated Expense of effecting the same, a Description of the Lands proposed to be charged, and the Name and Residence of the Successor, and such other Particulars as may be required by the Judge for the Purpose of enabling him to decide upon the Propriety of sanctioning such Improvements.

Officer of the Landed Estates Court to give Notice of Statement.

XIII. Upon the Receipt of such Statement, the Officer of the Landed Estates Court shall serve Notice thereof on the Successor, and shall name in such Notice a Time and Place at which the Judge will be prepared to make an Order sanctioning such Improvements, unless Cause is shown to the contrary at the Time and Place named, or at some other Time and Place, of which Notice may be served on the Successor, and shall, at the Expense of the Limited Owner, cause the same to be advertised in some Newspaper published in or circulating in the County in which such Lands or any Part thereof are situate.

Duty of Court on Application.

XIV. Previously to giving his Sanction, the Judge shall hear the Successor, or any one appearing on his Behalf, and objecting to such Improvements, or if no Appearance is made on behalf of the Successor he shall require Proof of the Notice having been duly served on him: The Judge may also, if he think fit, make such Inquiries, by means of Valuation Commissioners, Surveyors, or others to be appointed by him, as to the Circumstances of the Land on which the Improvements are to be made, and as to the Parties interested therein as Incumbrancers or otherwise, and direct such further Notices to be given, as he thinks necessary to enable him to form a Judgment as to the Propriety of giving his Sanction, and shall have Power to order the Expense of such Inquiries to be paid by the Limited Owner.

Judge may sanction Improvements.

XV. If the Judge decide that the Improvements as proposed, or as modified by him, are beneficial to the Parties principally interested in the Lands on which such Improvements are made, and that the Estimate of Expenditure is fair, and that the Expense of One or more of the proposed Improvements does not, regard being had to the Circumstances of the Estate, bear an undue Proportion to the whole Expense allowed by the Act to be expended on Improvements, and that the Lands proposed to be charged ought to bear such Charge, he shall make an Order giving his Sanction thereto.

XVI. Upon

Power of Successor to inspect.

XVI. Upon obtaining such Sanction as aforesaid, the Limited Owner may proceed to make the Improvements sanctioned; but the Successor, or any Person authorized by him in Writing, may inspect the same during the Progress thereof.

Statement of Expenditure to be lodged with the Officer of the Landed Estates Court.

XVII. Upon the Completion of the Improvements the Limited Owner shall lodge with the Officer of the Landed Estates Court a Statement verified by Affidavit, sworn before a Justice of the Peace or a Commissioner or other Officer duly authorized to take Affidavits in the Landed Estates Court, of the Expenditure that has been incurred, to an Amount not exceeding the Estimate of Expenditure sanctioned by the Judge, and a Description of the Lands intended to be charged with an Annuity in respect of such Expenditure.

Officer of the Landed Estates Court to advertise Statement.

XVIII. Upon the Receipt of such Statement, the Officer of the Landed Estates Court shall give Notice thereof to the Successor, and shall name in such Notice a Time and Place at which the Judge will be prepared to make his Order, charging the Lands mentioned in the Statement with such Annuity as is herein-after mentioned, unless Cause is shown to the contrary at the Time and Place named, or at some other Time and Place of which Notice may be served on the Successor, and shall, at the Expense of the Limited Owner, cause the same to be advertised in some Newspaper published in or circulating in the County in which the Lands or any Part thereof are situate.

Judge to make Charging Order.

XIX. Previously to making such Order, the Judge shall hear the Successor, or any Person appearing on his Behalf, and objecting that the Improvements have not been properly executed, or that the Money stated has not actually been expended in the Improvements, or if no Appearance is made on behalf of the Successor he shall require Proof of the Notice having been duly served: He may direct Inquiries to be made by Valuation Commissioners, Surveyors, or others as to the Execution of the Improvements and the Expenditure thereon, and may, if he thinks it just, disallow the whole or any Portion of the Expenditure; but if satisfied that the whole or any Portion of the Expenditure ought to be allowed, he shall make an Order specifying the Amount of Expenditure allowed, and charging the Lands mentioned in the Order with an Annuity of Seven Pounds Two Shillings for every One hundred Pounds of such Expenditure, and so in proportion for any less Sum, to commence from the Date of the Order, and to be payable for a Term of Twenty-five Years, on each Anniversary of such Date, to the Limited Owner, his Executors, Administrators, or Assigns.

Registry of Charging Order.

XX. As soon as the Judge has made the Order charging any Land with an Annuity under this Act, he shall execute a Duplicate thereof, and the Person applying for such Order may cause the Duplicate to be registered in the Office for Registry of Deeds in the City of *Dublin*, and the Registrar of the Registry Office, his and their Assistant Deputies, and other Officers, shall be required upon Proof by Affidavit of the Signature of the Judge, to register the same in the same Manner as any Deeds or Instruments are registered in the said Office, and to enter a Memorial thereof in the Abstract Books and Indexes of or relating to Memorials registered and kept in the said Office, subject to the Payment of such Fees as may now be lawfully demanded.

Death of Limited Owner.

XXI. If any Limited Owner dies, becomes bankrupt or insolvent, after he has obtained an Order sanctioning any Improvements, but before he has obtained an Order charging the Estate with such Annuity as is herein-after mentioned, his personal Representatives or Assigns may complete the Improvements at the Expense of the Estate of such deceased Bankrupt or insolvent Owner, and thereupon they shall be entitled to the same Annuity as such Owner would have been entitled to if he had not died, become bankrupt or insolvent.

Nature of Annuity.

XXII. Every Annuity created in pursuance of this Part of this Act shall be a Charge on the Lands comprised in the Order, having, unless the Judge otherwise order, Priority over all existing and future Estates, Interests, and Incumbrances, with the Exception of Quitrents and other Charges incident to Tenure, Tithe Commutation Rentcharges, and any Charges created under any Act authorizing Advances of Public Money, or under any Act creating Charges in respect of Improvements on Lands and passed before this Act, with the Exception also (in Cases where the Lands placed in Settlement are subject to a Fee-farm Rent, or held of a superior Landlord under a Lease, reserving Rent) of such Fee-farm Rent

or

or Rent reserved as aforesaid; but the Judge shall have Power to postpone the said Annuity to any Charge or Incumbrance which he shall think proper to specify in the Order.

Maintenance of Improvements.

XXIII. All Improvements in respect of which an Annuity is payable under this Part of this Act shall, during the Continuance of the Estate of the Limited Owner, be maintained by him in a proper State of Repair, and any subsequent Owner of the Land charged with such Annuity may recover from the Limited Owner any Damages he may have sustained by reason of the Noncompliance of the Limited Owner with the Provisions of this Section.

PART II.

Leasing Powers.

Extended Definition of "Limited Owner."

XXIV. The Expression "Limited Owner" as used in this Part of this Act shall, in addition to the Persons comprised under that Expression as herein-before defined, include any Body Corporate, any Corporation Sole, Ecclesiastical, or Lay, any Trustees for Charities, and any Commissioners or Trustees for ecclesiastical, collegiate, or other public Purposes, entitled, at Law or in Equity, in the Case of Freehold Land to the Fee Simple, and in the Case of Leasehold Land to a Lease for an unexpired Residue of not less than Sixty Years, or for a Term of Years or of Lives renewable for ever, or renewable for a Period of not less than Sixty Years, but the Term "Successor" shall have the same Meaning as it has in the First Part of this Act.

Power of Limited Owner to lease.

XXV. Any Limited Owner shall have Power to grant Agricultural Leases, Improvement Leases, Building Leases, (including under the Term "Building Leases" "Repairing Leases,") for any Term of Years absolute, or determinable at fixed Periods, subject to the following Restrictions:

(1.) No Improvement Lease shall be valid without the Sanction of the Chairman:

(2.) No Building Lease comprising more than Three Acres, or reserving a Rent of more than One hundred Pounds *per* Year, shall be valid without the Sanction of One of the Judges of the "Landed Estates Court, *Ireland:*"

(3.) No other Building Lease shall be valid without the Sanction of the Chairman:

(4.) The Term of any Agricultural Lease shall not exceed Twenty-one Years, and of an Improvement Lease shall not exceed Forty-one Years, and of a Building Lease, sanctioned by the Chairman, shall not exceed Ninety-nine Years; but when a Judge of the Landed Estates Court shall be satisfied that it is beneficial for the Inheritance to grant Building Leases for a longer Term, he shall have Power to sanction a Building Lease for such longer Term as he shall direct:

(5.) Every Agricultural Lease shall imply the following Covenants on the Part of the Lessee—

(1.) To manage, till, and use the Lands demised in due and regular Course of good Husbandry, so that the same be not in anywise injured or deteriorated:

(2.) Not to burn, or permit to be burned, any Part of the Soil or Surface of the Lands demised, without the previous Consent in Writing of the Landlord:

(6.) Every Improvement Lease shall contain a Covenant on the Part of the Lessee—

To execute at his own Expense, within a Time to be specified in such Lease, the Works defined to be Improvements under the Third Part of this Act, which shall be specified in the Lease:

(7.) Every Lease, whether an Agricultural, Improvement, or Building Lease, shall take effect in possession, or within One Year after the Execution thereof, and not in reversion, and there shall be reserved thereby the best yearly Rent, to be incidental to the immediate Reversion, that can reasonably be gotten, without taking anything in the Nature of a Fine, Premium, or Foregift:

(8.) Every Lease, whether an Agricultural, Improvement, or Building Lease, shall imply a Condition of Re-entry for Nonpayment of the Rent thereby reserved:

(9.) Every

(9.) Every Lease, whether an Agricultural, Improvement, or Building Lease, that includes any Building, shall contain a Clause declaring whether the Landlord or the Tenant is bound to rebuild such Building in the Case of the same being destroyed during any Part of the Tenancy by Fire, Lightning, or Tempest:

(10.) The Lessee or Lessees shall execute a Counterpart of every Lease, whether an Agricultural, Improvement, or Building Lease, and shall thereby covenant for the due Payment of the Rent reserved:

Provided, first, that in the Case of an Improvement Lease the best Rent shall be deemed to be the highest Rent that can reasonably be gotten, having regard to the Improvements covenanted to be made by the Lessee; secondly, that in the Case of a Building Lease a Peppercorn Rent, or any smaller Rent than the Rent to be ultimately made payable, may be reserved during all or any Part of the first Five Years of the Term granted by such Lease; thirdly, that the Execution of any Lease by the Lessor shall be deemed sufficient Evidence that a Counterpart of such Lease, as required by this Act, has been executed by the Lessee.

Mode of obtaining the Sanction of Court.

XXVI. In order to obtain the Sanction of the Chairman of the Quarter Sessions of the County or of a Judge of the "Landed Estates Court, *Ireland*" (both which Tribunals are herein-after included under the Term "Court") to any Lease requiring such Sanction, the Lessor may submit to the Court, in such Manner as the Court may direct, a Copy of the proposed Lease, together with such Particulars as may be required by the Court for the Purpose of enabling it to decide upon the Propriety of giving its Sanction.

Duty of Court on Application.

XXVII. Previously to giving its Sanction, the Court shall make such Inquiries as to the Circumstances of the Land proposed to be leased and of the Parties interested therein as it thinks fit, and in the Case of a Lease proposed to be granted by an individual Limited Owner shall cause Notice thereof to be served on the Successor and such other Persons, if any, as it thinks just. It shall hear all Persons interested in the Land who may apply to it to be heard. It may disapprove altogether, or may approve either with or without Modification, of the Lease proposed, but if the Court approve of the Lease it shall give its sanction thereto by Order thereon, or in such other Manner as it thinks fit; and it may make such Order respecting the Costs of the Application as shall seem to it to be just.

Effect of Lease.

XXVIII. Any Lease granted in pursuance of this Act by an individual Limited Owner shall be valid against the Person granting the same, and against all Persons claiming under the same Settlement any Estate or Interest subsequent to the Estate or Interest of such Limited Owner; and any Lease granted in pursuance of this Act by any Limited Owner, being a Body Corporate, Corporation Sole, Trustees for Charities, Commissioners or Trustees for ecclesiastical, collegiate, or other public Purposes, shall bind all the Estate and Interest of such last-mentioned Limited Owner; but no Lease granted by an Owner who is himself a Lessee shall continue after the Expiration of the Term granted by such Owner's Lease, nor shall anything herein contained be deemed to enable any such Owner to grant any Lease which, by virtue of any Covenant or Agreement with his Lessor, he is precluded from granting.

Leases subject to Jurisdiction of Court of Equity.

XXIX. Every Lease purporting to be made by virtue of this Act shall be subject to the Jurisdiction of a Court of Equity on the Ground of Fraud by reason of the Introduction of improper Covenants for Undervalue or otherwise.

Prohibitions as to Mansions and Demesne Lands.

XXX. No Lease shall be granted under this Act of any Mansion House or Demesne Lands, except for the Term of the Minority of the Person for the Time being entitled in possession to such House and Lands, and with due Regard to the Preservation and Maintenance in a proper State of Repair of such House or Lands.

Powers of Act to be cumulative.

XXXI. All Powers of leasing given by this Act shall be deemed to be in addition to any other Powers any Limited Owner may possess, and such Owner may exercise any other Power of leasing vested in him in the same Manner as if this Act were not passed.

XXXII. Where

XXXII. Where a Power to make Leases by virtue of this or any other Act of Parliament, or of any Settlement, shall in any particular Case be incapable of being exercised by reason of some accidental Variation of the Circumstances necessary to bring such Case within the exact Terms of the Act or Settlement, the Court of Chancery in *Ireland* or a Judge of the Landed Estates Court may, by an Order on a summary Petition presented by any Person interested in the Matter, and upon Notice to such Person or Persons as the said Court or Judge shall think necessary, authorize and empower the Donee of the Power contained in such Act or Settlement to make a Lease notwithstanding any Variation which the said Court or Judge shall consider not to involve a substantial Departure from the true Intention or Meaning of such Act or Settlement; and every Lease made in pursuance of any Order of the said Court or Judge in that Behalf shall be as valid as if such Lease had been authorized by the Terms of the Act or Settlement. Provision in Cases in which Power to make Leases is not within exact Terms of Act or Settlement.

PART III.

Tenants Improvements.

XXXIII. This Part of this Act shall apply only to Land let for Agricultural Purposes. Application of Part of Act.

XXXIV. The Word "Tenant" as used in this Part of this Act shall mean an occupying Tenant from Year to Year or at Will, and every occupying Tenant holding under a Lease or Agreement in Writing for any Term of Years of which not more than Twenty-five Years are unexpired, and which does not contain any Stipulations for the Execution of Improvements as herein-after defined, and shall include the personal Representatives of such Tenant. "Tenant."

XXXV. The Word "Owner" as used in this Part of this Act shall mean any Person, or Body of Persons, corporate or unincorporate, having an Estate in Land equal to the Estate by the First and Second Parts of this Act required to constitute a Limited Owner, or having a greater Estate than such Limited Owner. "Owner."

XXXVI. Any Tenant of Lands may, upon Compliance with the Provisions herein-after contained, make such Improvements thereon as are herein-after mentioned, and upon Compliance with the Conditions herein-after mentioned shall be entitled, by way of Compensation for his Outlay, to an Annuity of such Amount and to be charged in such Manner as is herein-after mentioned on the Lands on which the Improvements have been made, and any other Lands lying together with the first-mentioned Lands, and held of the same Owner under the same Demise, with this Exception, that no Tenant shall be entitled to Compensation under this Act in respect of any Improvements which the Owner might have compelled him to make in pursuance of any Contract or Custom. Tenant entitled to Compensation for Improvements.

XXXVII. The Expression "Improvements," as used in this Part of this Act, shall comprise the following Works; (that is to say,) Definition of "Improvements."

(1.) The Thorough Drainage or Main Drainage of Lands:
(2.) Reclaiming Bog Land, or reclaiming or inclosing Waste Land:
(3.) The making Farm Roads:
(4.) Irrigation:
(5.) Protection of Land by Embankment from Inland Waters:
(6.) The Erection of Farmhouse or any Building for Agricultural Purposes suitable to the Holding, or the enlarging or the extending of any such Farmhouse or Building erected or to be erected thereon, so as to render the same more suitable to the Holding:
(7.) The Renewal or Reconstruction of any of the foregoing Works, or such Alterations therein or Additions thereto as are not required for maintaining the same, and increase durably their Value.

XXXVIII. It shall be lawful for any Owner, notwithstanding the Terms of any Settlement, to agree with the Tenant for the Execution of such Improvements by the Tenant, and in the Absence of such Agreement it shall be lawful for any Tenant, previously to making any such Improvements, to serve or cause to be served personally on the Owner, or in his Absence Agreement with or Notice to Owner.

Absence on his Agent or Receiver, a Notice under his Hand stating the Particulars of the intended Improvements, the proposed Manner of effecting such Improvements, the estimated Expense of effecting the same, a Description of the Land proposed to be charged, and the Time, being not less than Three Months from the Service of such Notice, at which he proposes to commence such Improvements, and not to exceed Two Years for its Completion.

Owner by Agreement with Tenant may execute Works.

XXXIX. It shall be lawful for the Owner, by Agreement with the Tenant, to execute at his own Expense the Works contained in the Notice, and to charge the Tenant with Interest at Five *per Centum* on the Outlay, to be recoverable in the same Manner and along with the Rent.

Consent of Owner.

XL. The Owner or his Agent may, within Three Months after the Service of such Notice, give Notice in Writing to the Tenant that he disapproves of such proposed Improvements, or any Part thereof, and no Tenant who has received such Notice shall be entitled to commence any Improvements from which the Owner has so dissented.

Statement of Expenditure to be lodged with the Clerk of the Peace.

XLI. Upon the Completion of the Improvements, or in the event of the Tenant being turned out of the Tenancy by the Owner before such Completion, the Tenant shall lodge with the Clerk of the Peace of the County where such Land lies a Statement of the Expenditure that has been incurred, not exceeding the Amount stated in the Agreement or in the Notice served on the Owner, and a Description of the Lands intended to be charged with an Annuity in respect of such Expenditure, being the whole or Part of the Land described in the Agreement or in the Notice served on the Owner.

Clerk of the Peace to give Notice to Owner.

XLII. Upon the Receipt of such Statement the Clerk of the Peace shall serve Notice thereof on the Owner or his Agent, and shall insert in such Notice a Statement of the Time and Place at which the Chairman will be prepared to make his Order, charging the Lands mentioned in the Statement with such Annuity as is herein-after mentioned, unless Cause is shown to the contrary at the Time and Place named, or at some other Time and Place of which Notice may be served on the Owner or his Agent.

Hearing of Case.

XLIII. Previously to making such Order the Chairman shall hear the Owner, or any Person appearing on his Behalf, and objecting to such Certificate on the Grounds that the Improvements have not been properly executed, or that the Money stated has not actually been expended in the Improvements, or that the Lands proposed to be charged, or a Portion of such Lands, are not Lands subject to be charged in pursuance of this Part of this Act, and if no Appearance is made on behalf of the Owner he shall, previously to making his Order, require Proof of Notice having been duly served on the Owner or his Agent: The Chairman may make Inquiries by Valuation Commissioners, Surveyors, or other competent Persons as he may think right, and may direct the Expenses of such Inquiries to be paid by such Person and in such Manner as he may think fit, and may, if he thinks it just, disallow the whole or any Portion of the Expenditure, and may exclude any Lands that appear to him not chargeable under this Part of this Act; but if satisfied that the whole or any Portion of the Expenditure ought to be allowed, he shall make a Provisional Order specifying the Amount of Expenditure allowed, and charging the Lands mentioned in the Order with an Annuity of Seven Pounds Two Shillings for every Hundred Pounds of such Expenditure, and so in proportion for any less Sum; such Annuity to be limited in favour of the Tenant, his Executors, Administrators, or Assigns, and to be declared to be payable for a Term of Twenty-five Years, commencing from the Date of the Order, on each Anniversary of such Date; subject to this Proviso, that no Payment in respect of such Annuity shall accrue due until such Provisional Order has been made absolute.

Labour of Tenant to be taken into account.

XLIV. Where any Improvement, under this Part of this Act, is effected wholly or partially by the Labour of the Tenant or his Family, the Value of such Labour shall be deemed to be Part of the Expenditure incurred in making the Improvement, and may be taken into account accordingly.

Maintenance of Improvements.

XLV. All Improvements in respect of which an Annuity is payable under this Part of this Act shall, during such Time as intervenes between the Date of the Provisional Order and the Date at which such Order is made absolute, in manner herein-after mentioned, be maintained

maintained by the Person who has made the same, his Executors, Administrators, or Assigns, in a proper State of Repair, and the Owner or any Person authorized by him in Writing shall be at liberty at all reasonable Times to enter and inspect any Improvements made under this Act.

Order how made absolute.

XLVI. In the event of the Tenant in whose Favour a Provisional Order has been made being turned out of the Tenancy by the Owner, or by any Person claiming by, through, under, or in trust for him, or any Person claiming any Estate or Interest under the same Settlement as the Owner subsequent to the Estate of the Owner for the Time being, before the Expiration of the Term of Twenty-five Years mentioned in the Provisional Order, he may apply to the Chairman to make the Provisional Order absolute, and the Chairman shall make the same absolute as from the Date at which the Tenant has been turned out of the Tenancy; and upon such Order being made absolute the Annuity charged thereby shall forthwith become payable to the Tenant for the unexpired Residue of the Term of Twenty-five Years in the Order mentioned, together with a proportionate Part thereof for such Period, if any, as may intervene between the Time at which the Tenant is turned out of his Tenancy and the First Day appointed for Payment thereof by the Order.

Notice to be given to Owner of Application for Order Absolute.

XLVII. No Provisional Order under this Act shall be made absolute by any Chairman, unless the Owner for the Time being whose Lands are proposed to be charged thereby or some Person duly authorized on his Behalf appears before him, or Proof is given to the Chairman that Fourteen Days previous Notice at the least of the Intention of the Tenant to make the Application for an Order Absolute has been served on such Owner or his Agent in manner in which Notices are hereby required to be served, and the Chairman shall hear such Owner or any other Person appearing on his Behalf, and contending that the Tenant is indebted to him for Arrears of Rent or Taxes or in respect of a Breach of Contract, or of the not having maintained in a proper State of Repair the Improvements for which he claims the Annuity, and any Sums in which the Tenant may be so proved to be indebted to the Owner shall be set off against the Annuity payable to the Tenant, and the Chairman in making the Order Absolute shall specify how such Set-off is to be carried into effect, and what Abatement is to be made in the Annuity on account of such Debts.

Death of Tenant.

XLVIII. If any Tenant dies, becomes bankrupt or insolvent, before he has completed any such Improvements as he is herein-before authorized to complete, his personal Representatives or Assignees may complete the Improvements at the Expense of the Estate of such deceased, bankrupt, or insolvent Tenant, and thereupon shall become entitled to the same Annuity as such Tenant would have been entitled to if he had died, become bankrupt or insolvent.

Nature of Annuity.

XLIX. Every Annuity created in pursuance of this Part of this Act shall be a Charge on the Lands comprised in the Order, having Priority over all existing and future Estates, Interests, and Incumbrances, with the Exception of Quitrents and other Charges incident to Tenure, Tithe Commutation, Rentcharges, and any Charges created under any Act authorizing Advances of public Money, or under any Act creating Charges in respect of Improvements on Lands and passed before this Act, with the Exception also in Cases where the Lands to be charged with such Annuity are subject to a Fee-farm Rent or held of a superior Landlord under a Lease, reserving Rent of such Fee-farm Rent or Rent reserved as aforesaid; and when Annuities are charged on the same Lands under the First and Third Parts of this Act, such Annuities shall, as between themselves, take effect in the Order of their respective Dates; and for the Purposes of this Section an Annuity created under the First Part of this Act shall be deemed to date from the Time of its Registration; and an Annuity created under the Third Part of this Act shall, when confirmed by an Order Absolute, be deemed to date from the Provisional Order creating the same.

Registry of Orders to be kept by Clerk of the Peace.

L. The Clerk of the Peace shall keep an alphabetical Registry in his Office of all Provisional Orders and Orders Absolute made by the Chairman of the Quarter Sessions of the County of which he is Clerk in pursuance of this Part of this Act, and shall allow any Person to inspect the same at all reasonable Times on the Payment of One Shilling.

Appeal from Decision of Chairman upon Application for a Charging Order.

LI. An Appeal from the Decision of the Chairman upon any such Application for a Charging Order may be made by any Person who appears before him in Person or by Attorney, in the same Manner as an Appeal by a Plaintiff in a Civil Bill Proceeding from a Dismiss by such Chairman, and as if the Party in whose Favour the Decision upon such Application as aforesaid shall have been made was the Defendant in such Civil Bill Proceeding; and the Judge who shall hear the Appeal may affirm or reverse the Decision of the Chairman, or alter or modify the Charging Order, and finally decide thereon, and make such Order as to Costs in the Court below and of the Appeal as shall be agreeable to Justice; and if the Judge shall alter or modify the Charging Order, such Order so altered or modified, and signed by the Judge, shall be of the like Effect as if it were the Order of the Chairman.

Certificate of Completion when to be registered.

LII. When the Right to a Certificate of Completion is contested, the Certificate shall not be registered until after the Expiration of the Time hereby allowed for appealing, and in case an Appeal is pending not until after it is disposed of.

PART IV.

General Provisions.

Restriction of maximum Amount of Charges.

LIII. The aggregate Amount of Annuities chargeable in respect of Improvements under this Act shall not, when taken together with any Rentcharges charged or to be charged on the Land, under the Provisions of the Acts to facilitate the Improvement of Landed Property in *Ireland*, exceed One Third Part of the annual Value of the Land; and for the Purpose of this Section the annual Value of the Land shall be deemed to be the Amount at which it is rated under the Laws for the Relief of the destitute Poor in *Ireland;* and it shall be the Duty of the Court, before making an Order charging an Annuity under this Act, to ascertain the Amount of Annuities, if any, theretofore charged on the Lands under this Act, and the Amount of any Rentcharges charged on the said Lands under the said Acts to facilitate the Improvement of Landed Property in *Ireland*, and to provide that this Limit is not exceeded, but no Order charging an Annuity shall be afterwards invalidated by reason of such Excess.

Where Tenant becomes entitled to Annuity, Owner may redeem same.

LIV. Where any Tenant shall become entitled to any Annuity as aforesaid, it shall be lawful for the Owner of any Land upon which such Annuity may be chargeable at the Time of making the Charging Order to redeem the said Annuity, or so much thereof as shall at any Time remain unexpired, by Payment to the said Tenant, his Executors, Administrators, or Assigns, of a Sum of Money equivalent to the Value of so much of the said Annuity as shall then remain unexpired, such Value to be estimated and calculated upon the Assumption that at the Time of such Redemption Money shall be worth Five *per Centum per Annum;* and thereupon such Owner shall become entitled to such Annuity for his own Use and Behoof, in like Manner as if the said Owner had himself executed such Improvements under the Powers contained in the First Part of this Act.

Recovery of Annuity.

LV. Every Annuity created in pursuance of this Act shall be recoverable in manner in which Rentcharges in lieu of Tithes are recoverable in *Ireland.*

Provision as to Arrears of Annuity.

LVI. No Arrears of any Annuity charged on Land in pursuance of this Act shall be recoverable after the Expiration of One Year from the Date at which the Sum in arrear became due; and as between Owners having a limited Interest in any Land so charged it shall be the Duty of the Owner for the Time being in possession or in receipt of the Rents and Profits of such Land to prevent such Arrears arising, and if he make Default in doing so, and the Owner next entitled in possession pay any Arrears caused by such Default, the Amount so paid shall be a Debt due by the Owner who has paid the same from the Owner by whose Default it became necessary to make such Payment.

Service of Notices.

LVII. Any Notice or other Document required by this Act to be served upon any Person may be served on such Person personally, or, except in Cases where personal Service is herein-before required, by leaving the same or sending it through the Post in

in a prepaid registered Letter addressed to such Person at his usual or last known Place of Abode.

Rules as to Notices by Post.

LVIII. Any Document to be served by Post shall be posted in such Time as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the Service thereof, and in proving Service of such Document it shall be sufficient to prove that such Document was properly directed, and that it was put as a prepaid registered Letter into the Post Office.

An Order to be Evidence of Compliance with Act.

LIX. An Order made in pursuance of this Act charging an Annuity on any Lands or sanctioning any Lease shall be, both at Law and in Equity, conclusive Evidence that all Notices, Acts, and Proceedings by this Act directed with reference to or consequent on the obtaining such Order or the making such Charge have been duly served, done, and taken, and that such Charge has been duly created, and that it is a valid Charge on the Lands declared to be subject thereto.

Power of Landed Estates Court to make Regulations.

LX. The Judges of the "Landed Estates Court of *Ireland*," or any Two of them, shall and may, from Time to Time, as to Matters within their Jurisdiction, make Regulations as to the Payment of such Fees, and as to the Conduct of Proceedings under this Act before the Landed Estates Court, and as to the Costs payable in respect of such Proceedings, and as to the Taxation of such Costs; but such Regulations shall not be of any Validity until they have been sanctioned by the Lord Chancellor of *Ireland*.

Power of Chairman to make Regulations.

LXI. The Chairman of the Quarter Sessions of the several Counties in *Ireland*, or any Fifteen of them, shall and may from Time to Time prepare Forms of Notices and fix a Scale of Fees to be taken by Clerks of the Peace in respect of Business done by them under this Act, and shall make Regulations as to the Payment of such Fees, and as to the Conduct of Proceedings under this Act before such Chairman, and as to the Costs payable in respect of such Proceedings, and as to the Taxation of such Costs; but such Scale and Regulations shall not be of any Validity until they have been sanctioned by the Chief Justice of the Queen's Bench in *Ireland*, by the Chief Justice of the Common Pleas in *Ireland*, and by the Chief Baron of the Exchequer in *Ireland*, or by Two of such Judges.

Nothing to affect Usages, &c.

LXII. Nothing in this Act contained shall be deemed or construed to affect or prejudice any Usage or Custom established or existing in any Part of *Ireland* relating to outgoing or incoming Tenants.

CAP. CLIV.

An Act to consolidate and amend the Law of Landlord and Tenant in *Ireland*.

[28th *August* 1860.]

'WHEREAS it is expedient to consolidate and amend the Laws relating to Landlord and Tenant in *Ireland*:' Be it therefore 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:

Construction of certain Terms in this Act.

I. In the Construction of this Act the following Words and Expressions shall have the Force and Meaning hereby assigned to them, unless there be something in the Subject or Context repugnant thereto:

The Word "Person" or "Party" shall extend to and include any Body Politic, Corporate, or Collegiate, whether aggregate or sole, and any public Company:

The Word "Lease" shall mean any Instrument in Writing, whether under Seal or not, containing a Contract of Tenancy in respect of any Lands, in consideration of a Rent or Return: