ANNO UNDECIMO

VICTORIÆ REGINÆ.

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C A P. XIII.

An Act for amending the Law for the leasing of Mines in *Ireland*. [22d *April* 1848.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Tenth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the further Encouragement of finding and working Mines and Minerals within this Kingdom*, 10 G. 1. (I.) it is amongst other things enacted, that it shall be lawful to and for all Archbishops and Bishops, Deans, Deans and Chapters, Archdeacons, Prebendaries, and other Dignitaries Ecclesiastical, Parsons, Rectors, Vicars, and to and for all Bodies Politic and Corporate, Colleges, Cathedral or Collegiate Churches, and Hospitals, and to and for all and every Person or Persons whatsoever who now are or at any Time hereafter shall be Tenant or Tenants for Life, with an immediate Remainder to his or her First and every other Son in Tail Male, and also to and for all and every Person and Persons who now are or at any Time hereafter shall be Tenant in Dower or by Courtesy, by and with the Consent and Concurrence of such Person and Persons as shall be seised in reversion or remainder of an Estate of Inheritance of and in any Mines therein-after mentioned, immediately expectant upon the Death of such Tenant in Dower or by the Courtesy, or in case of the Nonage, Idiotcy, or the Lunacy of such Person so seised in reversion or remainder, then with and by the Consent of the Guardian or Guardians of such Minor, or the Com-

mittee of such Idiot or Lunatic, by and with the Approbation of the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal of this Kingdom, for the Time being, in the said Cases of Nonage, Idiotcy, or Lunacy, by Indentures under their respective Hands and Seals, whereof Counterparts are to be duly executed by the respective Lessees, to make and grant Leases, not exceeding the Term of Thirty-one Years, of all Mines and Minerals whatsoever which are already found or shall or may hereafter be found and discovered within their respective Manors, Glebes, or Lands, so as the same be made to commence in possession, without any Fine or Income, or any other Consideration than the yearly Rent in such Lease or Leases reserved and mentioned, and so as the most improved Rent that can be reasonably gotten for the same be reserved upon every such Lease, and that such Rent be not less in Value than One Tenth Part or Share of the Ore to be dug and raised out of such Mines or Minerals, without any Regard had to the Charges and Expences in digging, raising, and laying the same on the Bank, and so as such Rent shall be reserved and made payable in and by such Leases to such Lessor or Lessors or such other Person and Persons as should from Time to Time during the Continuance of such Lease have been actually entitled by the Laws of this Kingdom to the Benefit of such Mines and Minerals in case this Act had not been made: And whereas by an Act passed in the Parliament of *Ireland* in the Fifteenth Year of the Reign of King *George* the Second, intituled *An Act for explaining and amending an Act, intituled 'An Act for the further Encouragement of finding and working Mines and Minerals in this Kingdom,'* the Provisions of the said Act of the Tenth Year of the Reign of King *George* the First were extended to Coal Mines: And whereas by an Act passed in the Parliament of *Ireland* in the Twenty-third Year of the Reign of King *George* the Second, intituled *An Act for explaining and amending an Act, intituled 'An Act for the further Encouragement of finding and working Mines and Minerals within this Kingdom,'* the Provisions of the said recited Act of the Tenth Year of the Reign of King *George* the First are further extended, and the Persons and Parties therein mentioned are empowered to make Leases of Coal Mines for any Term or Number of Years not exceeding Forty-one Years, in possession, and not in reversion, at any Rent or Rents not less than Two-pence for every Ton of Coals which shall be raised and laid upon the Bank, without Fine or Income or any other Consideration than the yearly Rent reserved: And whereas certain of the said Acts were further amended by an Act of the Forty-sixth Year of the Reign of King *George* the Third, intituled *An Act to amend several Acts for the Encouragement of finding and working Mines and Minerals within Ireland*; and it is expedient further to amend the Provisions of the said Acts, in relation to the Duration of the Term and to the Rent to be reserved on Leases therein provided for: 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, That from and after the passing of this Act so much of the said recited Act of the Tenth Year of King *George* the First, and of the said recited Acts amending the same, as limits the Term of such Leases to Thirty-one

15 G. 2. (I.)

23 G. 2. (I.)

46 G. 3. c. 71.

So much of the recited Acts as specifies a minimum Rent upon Leases

Thirty-one Years, and as requires that the Rent reserved upon such Lease or Leases be not less in Value than One Tenth Part or Share of the Ore to be dug and raised out of such Mines or Minerals, without any Regard to the Charges and Expences in digging and raising and laying the same on the Bank, and also so much of the said recited Act of the Twenty-third Year of King *George* the Second, or of any Act amending the same, as provides that the Rent or Rents reserved in any such Leases of Coal Mines as in the said Act mentioned shall not be less than Two-pence for every Ton of Coals which shall be raised and laid upon the Bank, shall be and the same is and are hereby repealed; and that it shall be lawful for all and every the respective Person or Persons, Bodies Politic or Corporate, empowered to make Leases by the said recited Acts respectively, or by any of them, and they and every of them are hereby empowered, in like Manner as in the said Acts respectively mentioned, to make and grant for any Term of ~~Years not exceeding~~ Forty-one Years any such Lease or Leases as is or are authorized by the said recited Acts or any of them to be made for a Term not exceeding Thirty-one Years, or any Term therein mentioned, so as every such Lease be made to commence in possession, without any Fine or Foregift or any other Consideration than the yearly Rent or other Return in the Nature of Rent in such Lease or Leases reserved and mentioned, and so as the best and most improved Rent or other Return in the Nature of Rent, whether in Money or in Kind, that can be reasonably gotten for the same, be reserved upon every such Lease, and so as such Rent or Return in the Nature of Rent shall be reserved and made payable in and by every such Lease to such Lessor or Lessors, or such other Person and Persons as should from Time to Time during the Continuance of such Lease have been actually entitled by Law to the Benefit of such Mines and Minerals in case the said recited Acts and this Act had not been passed, and so as in every such Lease there be contained a Condition for Re-entry on Nonpayment of the Rent or Return in the Nature of Rent to be thereby reserved, and so as every such Lessee do execute a Counterpart of his Lease; and the several Clauses and Provisions of the said recited Acts now in force, and not hereby altered or repealed, shall, so far as the same are respectively applicable, and not repugnant to this Act, be construed to extend to such Leases as are hereby authorized.

of Mines, or limits the Term of such Leases to Thirty-one Years, repealed; and Leases of Mines authorized by the said Acts may be made for Forty-one Years, so as the best improved Rent that can be reasonably gotten be reserved, &c.

II. And be it enacted, That it shall be lawful for any Trustee or Trustees, Feoffee or Feoffees, for any charitable or other Purposes or Feme Coverte or Infant, of any Freehold Estate in any such Mines or Minerals as aforesaid, or of any Estate therein (other than a Lease at Rack Rent) created for a Term of Years not exceeding Fifty Years unexpired, or determinable upon the Fall of any Life or Lives, or upon the Execution of any Trusts mentioned in any Deed or Assurance creating such Term, and also for any Trustee or Trustees of any such Estate or Interest who shall be in the actual Possession of such Mines or Minerals, or the Rents and Profits thereof, or in receipt of the Rents payable by the Tenants thereof, on behalf of their respective Cestuique Trusts or such Feme Coverte or Infant as aforesaid, to make any Lease or Leases of the same, and of Lands contiguous thereto, as in any of the said recited Acts specified, for any

Trustees, &c. of any Freehold Estate in Mines may make Leases for 41 Years upon like Terms as hereinbefore provided.

any Term of Years not exceeding Forty-one Years, upon like Terms and Conditions as herein-before provided as to the Leases hereby authorized.

Leases under recited Act may be surrendered, and again granted under this Act.

III. And be it enacted, That it shall be lawful for any of the said respective Persons, Bodies Politic or Corporate, herein-before mentioned, to accept a Surrender or Surrenders of any existing Lease or Leases made under the Authority of the said recited Acts or any of them, and thereupon to make and grant a Lease or Leases of the same Mines or Minerals under the Provisions of this Act.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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