Sessions Act, 1864, and any Acts for the time being in force amending the same:

(3.) An appeal from a decision given or conviction made by a court of summary jurisdiction shall be made in conformity with the Summary Jurisdiction Acts, but no general appeal shall be allowed except in the case in which an appeal to the court of general or quarter sessions is allowed under section thirty-two of the principal Act:

(4.) Section thirty-four of the principal Act shall apply to the Isle of Man as well as to the United Kingdom:

(5.) Any prosecution in respect of an offence punishable on summary conviction under the principal Act, other than a prosecution against an owner or agent of a mine, may be in the name of an inspector or of a superintendent or inspector of police or of a person injured or aggrieved, and in any such prosecution the owner of the mine shall, as to any offence in relation to his mine, be deemed to be the person aggrieved.

Short title and construction.

2. This Act may be cited as the Metalliferous Mines (Isle of Man) Act, 1891, and shall be construed as one with the principal Act.

CHAPTER 48.

An Act to provide further Funds for the Purchase of Land in Ireland, and to make permanent the Land Commission; and to provide for the Improvement of the Congested Districts in Ireland. [5th August 1891.]

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 1. Land Purchase.

PART I.

LAND PURCHASE AND LAND COMMISSION.

Advances by guaranteed land stock.

1.—(1.) Every advance under the Land Purchase Acts as amended by this Act after the commencement of this Act, except as hereinafter mentioned, shall be made by the issue of a sum of guaranteed land stock equal in nominal amount to the advance; such stock, as between vendor and purchaser of the holding purchased, shall be accepted by the vendor as equal in value to the nominal amount thereof.

(2.) Such stock shall be a capital stock, consisting of annuities yielding dividends at the rate of two pounds fifteen shillings per cent per annum on the nominal amount of the capital, payable by equal half-yearly payments on the first days of July and January, and after thirty years from the commencement of this Act, and not before, shall be redeemable in accordance with sub-section two of section two of the National Debt Conversion Act, 1888, as if it

51 & 52 Vict. c. 2.

Part I. Land Purchase.

were stock redeemable under that section; and for the purpose of such redemption of any stock, at or before the expiration of the term of forty-nine years from the time of the issue of such stock, a Sinking Fund shall be established by means of an annual sum at the rate of one per cent on the nominal amount of the capital, payable in equal half-yearly payments.

(3.) The said dividends and payments to the Sinking Fund shall be paid out of the Land Purchase Account herein-after mentioned, and, if that is insufficient, shall, to the extent of the deficiency, be paid as a temporary advance out of the Consolidated Fund, and every such advance shall be repaid to the Consolidated Fund out of the Guarantee Fund as provided by this Act.

Payment by purchaser of Sinking Fund payments in guaranteed land stock.

2. Where a person liable to pay a purchase annuity either—

(*a*) redeems the annuity or any part thereof; or

(*b*) pays on a gale day or within fourteen days thereafter the instalment due on that gale day;

the payment of the redemption money, or, as the case may be, of one-fourth of the instalment, may be discharged by the prescribed transfer to the National Debt Commissioners of an equal nominal amount of guaranteed land stock, and such transfer may be made through the medium of a post office savings bank in the prescribed manner.

Power to issue two and a half per cent guaranteed land stock.

3. If at any time after guaranteed land stock to a nominal amount of not less than ten million pounds has been issued, the Treasury are of opinion, having regard to the average market price of the said stock for the period, not less than twelve months, then immediately preceding, that the market price of a like stock, but bearing dividends at the rate only of two pounds ten shillings per cent per annum on the nominal amount of the capital, would be one hundred pounds cash for an equal nominal amount of stock, they shall cause notice to be given that after the date specified in the notice the following provisions will apply, and the same shall apply accordingly; that is to say,—

(*a.*) The guaranteed land stock issued for advances under any agreement made subsequently to the said date shall yield dividends at the rate only of two pounds ten shillings per cent per annum on the nominal amount of the capital;

(*b.*) The annual sinking fund payment on stock issued for such advances shall be at the rate of one pound two shillings per cent on the nominal amount of the capital;

(*c.*) The county per-centage shall continue to be at the rate of five shillings per cent per annum on such advances;

(*d.*) The purchase annuity for the repayment of any such advance shall be at the rate of three pounds seventeen shillings per cent instead of four pounds per cent per annum on the advance;

(*e.*) The provisions of this Act with respect to guaranteed land stock, and the dividends thereon, and the sinking fund payments for the same, shall apply to stock issued for such advances, with the substitution of the last-mentioned amount of dividends and sinking fund payments for those mentioned in such provisions.

Part I. Land Purchase.

Establishment of a Land Purchase Account.

4.—(1.) The Land Commission shall establish a Land Purchase Account and under the prescribed rules carry thereto and apply as follows all moneys received on account of any purchase-annuity for the discharge of an advance.

(2.) All sums so carried in respect of the current half-yearly instalments of the annuity shall be applied in the following order:—

(*a.*) In paying the dividends and Sinking Fund payments on an amount of guaranteed land stock equal to the amount of the advance; and

(*b.*) In paying to the Guarantee Fund an annual sum (in this Act referred to as the county per-centage) at the rate of five shillings for every hundred pounds of the advance; and the whole or any part of such per-centage not required for the purposes of the Guarantee Fund shall be paid out of that fund to the Local Taxation (Ireland) Account and applied towards the cost of providing labourers' cottages under the Labourers (Ireland) Acts, 1883 to 1886, in the county in which is situate the holding charged with the annuity, on such terms and conditions and subject to such regulations as the Lord Lieutenant thinks expedient; save that, where it appears to him, on the representation of the Local Government Board, that the whole or any part of such per-centage cannot with advantage be so applied, he may order the same to be applied as if it were part of the share of the county in the Irish probate duty grant, and he may for the purposes of this section withhold or suspend the distribution of the whole or part of the said per-centage when paid to the Local Taxation (Ireland) Account.

46 & 47 Vict. c. 60. 49 & 50 Vict. c. 59.

(3.) All sums carried to the account in respect of arrears of the purchase-annuity, whether paid by the proprietor of the holding, or from the guarantee deposit, or from the proceeds of the sale of a holding, or from any other source, shall be paid to the Guarantee Fund; provided that where a sum is applicable out of the guarantee deposit for the discharge or reduction of an irrecoverable debt, one half only of the amount so applicable shall be paid out of the guarantee deposit to the Land Purchase Account; and such one half shall be carried to the Land Purchase Account out of the guarantee deposit immediately on any sum due to the Land Commission in respect of an advance secured by a guarantee deposit having been declared an irrecoverable debt. Sums carried to the Guarantee Fund under this sub-section shall be applied in the same manner, subject to the provisions of this Act as to guarantee, and subject to the prescribed regulations, as the sums carried to the Land Purchase Account in respect of the current half-yearly instalments.

(4.) All sums carried to the account in respect of the redemption of the purchase-annuity, whether received from the proprietor of the holding, or upon the sale of the holding, or from the guarantee deposit, and also (save as otherwise provided by or in pursuance of this Act) all other moneys carried to the Land Purchase Account shall be paid to the Sinking Fund.

Establishment of Guarantee Fund.

5.—(1.) There shall be established a Guarantee Fund under the direction of the Treasury, consisting of a cash portion and a

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contingent portion, and in every financial year there shall be paid to the Fund—

(*a*) in respect of the cash portion of the Fund—

(i.) the Irish probate duty grant; and

(ii.) a sum of forty thousand pounds, which shall in every financial year be paid out of the Consolidated Fund (in this Act referred to as the Exchequer contribution); and

(iii.) the county per-centage; and

(*b*) in respect of the contingent portion of the Fund, if and when and to the extent required in pursuance of this Act,—the Irish share of the local taxation (customs and excise) duties and the following local grants, that is to say, grants—

(i.) for rates and contributions in lieu of rates on Government property in Ireland;

(ii.) for the expenses of the Commissioners of National Education in Ireland under the accounts headed "Model Schools" and "National Schools";

(iii.) in aid of the maintenance of children in industrial schools in Ireland;

(iv.) in aid of the salaries of schoolmasters and schoolmistresses in workhouses in Ireland, of the salaries of medical officers of workhouses and of dispensaries in Ireland, and of the cost of medicines and medical and surgical appliances in Ireland, and of the salaries of officers appointed or constituted under the Public Health (Ireland) Act, 1878; and

41 & 42 Vict. c. 52.

(v.) in aid of the cost of maintenance of pauper lunatics in district asylums in Ireland;

and the several sums constituting the cash portion and the contingent portion respectively of the Guarantee Fund shall be applicable to the purposes of that Fund in the order specified in this section.

(2.) The cash portion of the Guarantee Fund, so far as not required in any financial year for meeting charges on the Fund, shall, subject to the provisions of this Act with regard to the county per-centage, be applied as follows, that is to say,—

(*a.*) The Irish probate duty grant shall be paid to the Local Taxation (Ireland) Account, and applied in manner provided by section three of the Probate Duties (Scotland and Ireland) Act, 1888.

51 & 52 Vict. c. 60.

(*b.*) The Exchequer contribution shall be carried to a Reserve Fund until a sum of two hundred thousand pounds has been so carried; and so far as not required for that purpose shall be paid to the Local Taxation (Ireland) Account; and the share of the municipal boroughs to which this Act does not apply shall be ascertained and applied as if it were part of the Irish probate duty grant; and the residue shall be divided between the counties as nearly as may be in the proportion of the shares of the counties in the Irish probate duty grant; and such residue shall be applied towards the cost of providing labourers' cottages in the several counties under the Labourers (Ireland) Acts, 1883 to 1886, on such terms and conditions and subject to such regulations as the Lord Lieutenant thinks

46 & 47 Vict. c. 60.
49 & 50 Vict. c. 59.

expedient, save that where it appears to him, on the representation of the Local Government Board, that the whole or any part of such residue applicable to any county cannot with advantage be so applied, he may order the same to be applied as if it were the share of the county in the Irish probate duty grant.

(3.) The money paid to the cash portion of the Guarantee Fund shall from time to time during every financial year, so far as not required to meet charges on the fund already accrued, be forthwith paid to the Local Taxation (Ireland) Account.

Making up of deficiency of Land Purchase Account by Guarantee Fund or a levy on county.

6.—(1.) If the Land Purchase Account is at any time insufficient to meet the dividends and Sinking Fund payments, the deficiency shall be a charge on the Guarantee Fund, and, subject to such subsequent adjustment of charge between the several counties as herein-after mentioned, shall be paid thereout to the Land Purchase Account, or, so far as the deficiency has been paid out of the Consolidated Fund, to that Fund.

(2.) If the cash portion of the Guarantee Fund is at any time insufficient to pay all such charge, the Treasury shall send to the Lord Lieutenant a notice stating the sum required to meet the remainder of the charge and the date for its payment, and if the Lord Lieutenant before that date, or such later date as on his application the Treasury may allow, does not pay to the Guarantee Fund from the Local Taxation (Ireland) Account, the said sum, with interest at the rate of three per cent per annum, or such other rate as the Treasury may fix, from the date of the notice, the Treasury shall order such sum and interest to be paid to the Guarantee Fund out of the local taxation (customs and excise) duties and local grants forming the contingent portion of the Fund, and, subject to such subsequent adjustment of charge between the several counties as herein-after mentioned, such sum and interest shall be deducted from the said duties and grants, and the Treasury by their order shall make such provision as seems to them necessary or proper for carrying the order into effect, and the order shall be duly observed.

(3.) The Lord Lieutenant shall raise the said sum and interest, and also any sum which, upon any adjustment under this Act of a charge between the counties, is charged against a county in excess of the share of the county in the cash portion of the Guarantee Fund, by a levy upon the county liable; and for that purpose he shall send to the secretary of the grand jury of the county a requisition for the payment of the sum therein named within such period therein mentioned, as the Lord Lieutenant, with the consent of the Treasury, thinks reasonable. The requisition shall be laid before the grand jury at the next assizes, and the grand jury shall, without any previous proceeding at any presentment sessions, present the sum payable in pursuance of the requisition, together with such further sum as will defray the costs of collection at the ordinary rate, to be levied off the county at large, and in default of such presentment the judge of assize shall order the sum to be raised, and such order shall have the force of a presentment; and the county treasurer shall out of the first moneys which he receives in

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respect of any presentment made at those assizes, pay the sum required into the Local Taxation (Ireland) Account, to be there placed to the credit of the county, and any sum so paid out of moneys not levied under this section shall be replaced out of moneys so levied.

(4.) A charge on the Guarantee Fund shall, as between the counties, be adjusted and be borne by such county and in such manner, and the burden as between the local authorities and persons in the county shall, subject to the provisions of this Act, be adjusted and borne in such manner, as may be provided by regulations of the Lord Lieutenant made with the consent of the Treasury, and the benefit of any sum repaid to the Guarantee Fund from the Land Purchase Account shall be adjusted, in accordance with as nearly as may be the mode in which the burden of originally paying such sum was borne.

(5.) The share of a county in the Guarantee Fund or any portion thereof for any purpose of this Act shall be ascertained by the Lord Lieutenant in accordance with the regulations under this section, and the regulations shall provide for apportioning the Guarantee Fund in the proportion in which the Irish probate duty grant and the local taxation (customs and excise) duties and the local grants are distributable among the local authorities and persons in each county on the basis of the financial year in which the apportionment is made, and shall provide for the share to be assigned to any county where the benefits of any school or lunatic asylum are not confined to the county in which the school or asylum is situate, or where parts of a poor law union or other area are situate in more than one county.

(6.) All questions which arise as to the share of any county, local authority, or person, in any Fund or sum dealt with in this Act, or as to the rights or burdens of any county or local authority or person in respect of payments out of the Guarantee Fund or the Local Taxation (Ireland) Account, shall be determined by the Lord Lieutenant, and his decision shall be final.

Advance of three fourths of purchase money.

7. Notwithstanding anything in the Land Purchase Acts or this Act, any advance made after the passing of this Act, which shall not exceed three fourths of the price paid for a holding, shall be repaid by an annuity of three pounds seventeen shillings and sixpence per cent on the amount of such advance for forty-nine years; and an annual sum, at the rate of two shillings and sixpence for every hundred pounds of the advance, shall be paid and applied in the same manner as the county per-centage mentioned in section four of this Act.

Aid in case of exceptional agricultural calamity from purchasers' insurance and from Reserve Fund.

8.—(1.) Where an advance for the purchase of a holding is less than twenty times the annual value of the holding as in this Act defined, then during the first five years of the term of the purchase-annuity the annuity shall be eighty per cent of such annual value (and the excess of any purchase-annuity over an annuity of four per cent on the advance is in this Act referred to as "the purchasers' insurance money"), but the annuity shall, on application, be reduced after those five years, to such four per cent, and after the first eighteen years of the term shall on application be further reduced

to such annuity as, in accordance with the prescribed tables, will, after allowing for the purchaser's insurance money, replace at the end of the term the advance with interest at the rate of three per cent per annum: Provided that this sub-section shall not apply when the amount of the advance does not exceed three-fourths of the purchase money of the holding.

(2.) All such reductions shall be made by the Land Commission on the application in writing by letter or otherwise of the proprietor for the time being of the holding charged, and, if no such application is made, the annuity shall remain of the same amount, but in any case shall cease at such period, before the end of the term of the annuity, as may be provided by the prescribed tables, so as to replace the advance with interest at the rate of three per cent per annum.

(3.) If (after one fourth of the guaranteed land stock available for land purchase in a county has been applied for within three years after the passing of this Act) it appears to the Lord Lieutenant, on the report of the Land Commission, that it is expedient, in the interest of tenants desiring to purchase, that the purchase-annuities to which this section applies in the county should continue for more than five years to be eighty per cent of the said annual value, and he so declares by publication in the manner directed by him, this section shall, from the date mentioned in such declaration, apply to all such annuities in that county as are chargeable on any holding the agreement for the purchase of which has been made after the date of the declaration, as if the number of years mentioned in the declaration were throughout substituted for five years, and the annuity shall cease at such earlier period as may be fixed by the prescribed tables.

(4.) The Lord Lieutenant, on the report of the Land Commission, may, if he thinks it expedient for the reason aforesaid, by a subsequent declaration, revoke or vary any such declaration and may also make a new declaration under the provisions of this subsection; but no such subsequent or new declaration shall affect any annuity chargeable on a holding the agreement for the purchase of which was made before the date of the declaration.

(5.) Provided that any such declaration, except when it merely revokes a previous declaration, shall not come into operation till it has lain before both Houses of Parliament for not less than thirty days, nor if either House passes a resolution objecting to it.

(6.) Where the whole or a part of any purchaser's insurance money has been paid and subsequently the annuity in respect of which it has been paid is in arrear, the Land Commission, if satisfied that such arrear is due to exceptional circumstances and not to any fault of the person liable to pay the annuity, may, if they think it expedient, set off against the whole or part of the arrear the purchaser's insurance money, or any part thereof; but the annuity (notwithstanding any reduction under the foregoing provisions of this section) shall be increased by such amount, after such period, not exceeding two years from the date of the set off or the termination of the first five years, or any extended term fixed by a declaration of the Lord Lieutenant under this section, whichever shall

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latest happen, and for such time, as the Land Commission direct, in order to replace the sum so set off, but so that the annuity shall not exceed the annuity payable during the first five years of the term.

(7.) If in any financial year it appears to the Lord Lieutenant, on the report of the Land Commission and Local Government Board, that, in consequence of exceptional agricultural distress or calamity in any county, it is advisable in the public interest that any deficiency arising, or likely to arise, from the non-payment of purchase-annuities in that county should be advanced in whole or in part out of the Reserve Fund instead of being paid as before provided by this Act, he may, with the consent of the Treasury, order such advance; but the order shall not come into operation till it has lain before both Houses of Parliament for not less than thirty days, nor if both Houses pass within the said period a resolution objecting to it; and the advance shall be repaid to the Reserve Fund out of the Exchequer contribution, before that contribution is applied to any purpose other than the Guarantee Fund.

(8.) Every such order for an advance in any year shall specify the electoral divisions in the county in which the said distress or calamity has occurred to such extent as to require the aid hereinafter mentioned to be given to the persons liable for the payment of purchase-annuities, and on application to the Land Commission by any such person in respect of a holding situated in an electoral division so specified, a portion of the advance may, in accordance with regulations made by the Land Commission, be deemed to be lent to him in discharge of the whole or part of any instalment of the purchase-annuity specified by the Land Commission, and the annuity shall be increased by such amount, and for such time not exceeding five years commencing from such date, as the Land Commission direct, in order to repay to the Reserve Fund or the Exchequer Contribution, as the case may be, the amount so deemed to be lent.

(9.) The regulations shall, so far as possible, secure that—

(*a.*) no such loans shall be made to the extent to which the instalment can be paid out of the purchaser's insurance money; and that

(*b.*) if the amount of the advance is insufficient to meet all the loans applied for, such loans shall abate proportionately.

Limitation of advance.

9.—(1.) Advances under the Land Purchase Acts as amended by this Act, in addition to the amount of ten million pounds authorised by the Land Purchase Acts, 1885 and 1888, may be made by the issue of guaranteed land stock to the amount from time to time required by the Land Commission, but such advances for the purchase of holdings in any county shall not, except in so far as is hereafter provided, exceed twenty-five times the share of the county in the Guarantee Fund; and the Treasury, when of opinion that the advances made for the purchase of holdings in any county approximate to this limit, shall certify their opinion to the Lord Lieutenant, who shall forthwith ascertain, on the basis of the preceding financial year, the share of each county in the Guarantee Fund.

(2.) The Treasury, in communication with the Lord Lieutenant, may authorise, by order, additional advances in the county, not

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exceeding the capital value for the time being of that part of the Sinking Fund which has been accumulated out of the Sinking Fund payments paid out of purchase-annuities, or out of payments for the redemption of purchase-annuities, in the county, and such capital value shall include the capital of any guaranteed land stock redeemed by the said payments.

(3.) So long as any money authorised to be issued under the Land Purchase Acts, 1885 and 1888, remains available for advances under those Acts, an advance may be made, out of the money so available, in any case where the landlord and tenant so agree, and every such advance and the repayment thereof shall in all respects be subject to the provisions of the Land Purchase Acts as if this Act had not passed.

(4.) An advance shall not be made under the Land Purchase Acts, as amended by this Act, for the purchase of any holding for the purchase of which advances have been made under the Land Purchase Acts, whether before or after the passing of this Act, and whether under this Act or otherwise, until the entire annuity for the repayment of such advances has been paid or redeemed.

(5.) Where it appears to the Treasury that the payment of annuities in any county has fallen into arrear, and that there is probability that the share of the county in the cash portion of the Guarantee Fund will be annually exhausted in meeting the deficiency of the Land Purchase Account, they shall certify the same to the Lord Lieutenant, and the Lord Lieutenant shall thereupon direct the Land Commission to cease making advances in such county, until the Treasury shall notify to the Lord Lieutenant that, in their opinion, the advances may again be safely resumed.

Glebe tenants. 32 & 33 Vict. c. 42.

10. Notwithstanding anything in section fifty-two of the Irish Church Act, 1869, when the Land Commission, as representing the late Commission of Church Temporalities in Ireland, sell any land in pursuance of the Irish Church Act, 1869, to the occupying tenants thereof, the sale may be deemed to be a sale under the Land Purchase Acts as amended by this Act, and in such case shall be carried out accordingly.

Allocation of the sum available for purchase in proportion to the value of holdings.

11.—(1.) The Lord Lieutenant shall, within one year from the passing of this Act, ascertain as nearly as may be and declare as regards each county the proportion between the total number of agricultural and pastoral holdings for the purchase of which advances may be made under this Act, and the number of such holdings of a rateable value exceeding fifty pounds.

(2.) The Land Commission, in making advances under this Act, shall have regard to such proportion, so that as far as practicable the total amount advanced under this Act for the purchase of agricultural and pastoral holdings the rent of which exceeds fifty pounds each in any county, as compared with the total amount advanced under this Act in the county, shall not exceed the above proportion, except where in the opinion of the Land Commission an advance to a tenant of any of such holdings is necessary for carrying into effect sales of other holdings, the rent of which does not exceed fifty pounds each, on the estate of the same landlord.

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(3.) (*a.*) If the advances applied for (and which appear to the Land Commission likely to be sanctioned) for the purchase of holdings exceeding fifty pounds rental fall short in any year of the proportion of the annual share of the county in the guarantee fund ascertained in accordance with sub-sections (1) and (2) of this section with reference to the class of holdings exceeding fifty pounds valuation, the difference shall be carried to a common fund to be available for the purchase of any holding within the county for the purchase of which advances may be made under this Act.

(*b.*) If the advances applied for (and which appear to the Land Commission likely to be sanctioned) for the purchase of holdings not exceeding fifty pounds rental fall short in any year of the proportion of the annual share of the county in the guarantee fund ascertained in accordance with sub-sections (1) and (2) of this section with reference to the class of holdings not exceeding fifty pounds valuation, the difference shall be carried to a common fund to be available for the purchase of any holding within the county for the purchase of which advances may be made under this Act.

(*c.*) Returns shall be published by the Land Commission at the end of each financial year in at least two newspapers circulating in each county setting out the amount (if any) carried to the common fund under the provisions of this sub-section in the preceding year, and the class of holdings in respect of which such amount has been so carried.

(*d.*) In sanctioning advances out of such common fund the Land Commission shall give the preference, so far as is practicable, to applications which would have been sanctioned earlier but for the proportions fixed as aforesaid having prevented such applications being sanctioned.

(4.) Nothing in this section contained shall invalidate any advance hereafter actually made.

Reference to Privy Council of objections to Lord Lieutenant's decision.

12.—(1.) Not less than one month before a decision of the Lord Lieutenant as to the share in any fund or sum or the rights or burdens of any county, local authority, or person, in respect of payments out of the Guarantee Fund or the Local Taxation (Ireland) Account is finally given, notice of the proposed decision shall be published in the Dublin Gazette, and in at least one newspaper circulating in each county concerned, and if during such month any authority or person interested sends to the Lord Lieutenant an objection to the proposed decision, in writing, stating the reasons for the same, then such objection shall be referred to the Privy Council, and after hearing the objector and any other authority or person, if such objector, authority, or person appears to the Privy Council to be interested and desires to be heard, and after hearing what is offered on behalf of the Crown, the Privy Council shall advise the Lord Lieutenant thereon, and the decision of the Lord Lieutenant shall be suspended until the advice is given, and shall be in accordance with such advice.

(2.) The Privy Council may order costs, on a scale to be settled by the Lord Chancellor, to be paid by or to the objector or by or to any authority or person appearing or cited to appear, including the Crown.

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(3.) This section shall apply, with the necessary modifications, to a declaration by the Lord Lieutenant as to the proportion between the total number of holdings and those of a rateable value exceeding fifty pounds, and in that case any ten persons whose position (whether as vendors or purchasers) as respects advances under this Act may be affected by the declaration, shall be deemed to be pecuniarily interested.

Purchase by tenants formerly in possession of holdings.

13.—(1.) Where the tenancy of a holding has been determined since the first day of May one thousand eight hundred and seventy-nine, and the former landlord or his successor in title is in occupation of the holding, it shall be lawful for the former landlord or his successor in title, within six months of the passing of this Act, to enter into an agreement under the Land Purchase Acts, or the said Acts as amended by this Act, for the sale of the holding to the former tenant or his personal representatives.

(2.) An advance for such purpose may be made by the Land Commission, in the same manner and subject to the same conditions as if the purchaser was at the date of the agreement in possession of the holding as tenant, and thereupon all the provisions of the Land Purchase Acts as amended by this Act shall apply to such agreement and advance.

(3.) If the Land Commission are of opinion that the holding would be sufficient security for the advance but for its having become temporarily deteriorated in value, they may make the advance upon the purchaser providing such security as they may deem sufficient to meet any risk arising from such temporary deterioration.

Person entitled as landlord to sell under Act.

14. Any persons entitled to an estate as trustees for sale, or trustees with a power of sale, and any body corporate, trustees for charities, commissioners, or trustees for collegiate or other public purposes, shall have the same power of selling under the Land Purchase Acts, as amended by this Act, as if they were private individuals, subject nevertheless to the provisions of the said Acts respecting the disposal of the purchase-money, and subject also to such consent (if any) as would be required in the case of a sale independently of the said Acts.

Miscellaneous and supplemental.

15.—(1.) The guaranteed land stock shall, from time to time as required for the purposes of this Act, be created by the Treasury, and issued by the Land Commission in the prescribed manner, and the National Debt Act, 1870, shall, but without creating any further charge on the Consolidated Fund, apply to the stock as if it were described in the First Schedule to that Act, and the Treasury may declare that the stock shall be subject to Part Five of that Act, and the stock shall be deemed to be Government stock within the meaning of the Savings Banks Act, 1880, and the Savings Banks Act, 1887.

33 & 34 Vict. c. 71.

43 & 44 Vict. c. 36.

50 & 51 Vict. c. 40.

(2.) All persons, including the National Debt Commissioners, shall have the like power of investing in the said stock as they have in consolidated annuities, and the National Debt Commissioners shall also, within the limits fixed by the Treasury in communication with them, give on application consolidated annuities in exchange for an equal nominal amount of guaranteed land stock.

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(3.) The trustees of any incumbrance, charge, annuity, or rent may at their discretion (notwithstanding any general prohibition of investment in securities not mentioned in the instrument creating the trust) accept in payment of such incumbrance or charge, or the capital value of such annuity or rent, guaranteed land stock as equal in value to the nominal amount thereof.

(4.) Where any holdings on an estate are sold by the Land Judge to the tenants thereof or to the Land Commission, the Land Judge may accept, in payment of the purchase money, guaranteed land stock as equal in value to the nominal amount thereof.

(5.) Rules of the Treasury shall provide for the consolidation of the said stock and for the commencement of the dividends on stock issued for an advance, and for the payment of interest at the like rate as the dividends for the period between the advance and the commencement of the dividends, and such interest shall be paid out of the Land Purchase Account, and if need be the Consolidated Fund and Guarantee Fund, as if it were part of the dividends.

(6.) The payments to the Sinking Fund, including the purchaser's insurance money, shall be paid to the National Debt Commissioners, who shall apply and invest the same and the income thereof for the purposes of this Act in the prescribed manner.

(7.) Subject to the prescribed regulations the cash portion of the Guarantee Fund, and the Reserve Fund, may be used for temporary advances to the Land Purchase Account, or for other current purposes connected with the administration of this Act, and the Reserve Fund shall, so far as not so used, be invested, and the income shall form part of the Fund.

51 & 52 Vict. c. 60.

(8.) The payment directed by section one of the Probate Duties (Scotland and Ireland) Act, 1888, shall be made as if the Guarantee Fund under this Act were substituted for the Local Taxation (Ireland) Account.

(9.) All sums directed or authorised by this Act to be paid out of the Consolidated Fund shall be charged on and issued out of that Fund or the growing produce thereof at such times as may be prescribed, and, if none are prescribed, as the Treasury direct.

(10.) The Treasury may cause such adjustments to be made between the Sinking Fund, inclusive of the purchaser's insurance money, the Land Purchase Account, the Guarantee Fund, the Guarantee Deposit, and the Reserve Fund, and such payments to be made from one Account or Fund or one portion of an Account or Fund to another, and sums to be placed to such credit, and such securities to be sold or bought as may be necessary for the purpose of carrying into effect this Act or the rules.

(11.) The issue of guaranteed land stock to the prescribed names or accounts shall be equivalent to the advance and payment of the purchase money, and to the retention by the Land Commission of any sum as a guarantee deposit, and all the provisions in the Land Purchase Acts relating to purchase-money and guarantee deposit respectively shall apply to guaranteed land stock so issued; and the interest payable on any guarantee deposit, where an advance is

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made under this Act, shall, until the guarantee deposit is otherwise invested in pursuance of the Land Purchase Acts as amended by this Act, be at the rate of two pounds fifteen shillings per cent per annum instead of three per cent.

Amendment of 50 & 51 Vict. c. 33. s. 20, as applied to advances under this Act.

16. In the application of section twenty of the Land Law (Ireland) Act, 1887, to advances made under this Act, the said section shall be construed as if the word "three" were substituted for the words "three and one-eighth," and the interest in the said section mentioned shall be deemed for the purposes of this Act to be part of the purchase-annuity, save that no portion thereof shall be payable to the sinking fund.

Application of guaranteed land stock, in sale proceedings, for redemption of certain charges, payable to Land Commission.

17. In the course of any sale proceedings, if it shall appear to the Land Commission that any tithe rentcharge or head rent payable to them is redeemable out of the purchase-money, and may be redeemed without injury to, and without waiting to ascertain, the priority of any other charge, the Land Commission may, on the application of the landlord, order the redemption of the said tithe rentcharge or head rent, by transferring to the Land Commission, on account of the Irish Church Temporalities Fund, guaranteed land stock to the nominal amount payable in respect of such redemption, or pending redemption may transfer to the separate account of the said rentcharge or head rent, the said amount of guaranteed land stock, and, until such redemption, the interest on the said stock shall be paid to the Land Commission on account of the Irish Church Temporalities Fund; and the National Debt Commissioners, on request, shall, out of moneys in their hands under this Act applicable to the sinking fund, purchase the guaranteed land stock so held on account of the Irish Church Temporalities Fund at a price equal to its nominal amount.

On sale of settled land purchase-money may be applied to redemption of certain terminable charges.

18. When any land, being settled land within the meaning of the Settled Land Act, 1882, is sold under the Land Purchase Acts, as amended by this Act, and such land is subject to any instalment mortgage created under the provisions of the fifty-second section of the Irish Church Act, 1869, or to any land improvement charge or drainage charge, or to any instalments or annuity payable in respect of the purchase of any tithe rentcharge, under the Irish Church Act, 1869, or the Irish Church Amendment Act, 1872, it shall be lawful for the trustees of such settled land, or other person to whom the purchase-money thereof is payable, to apply the same in the redemption of any such instalment mortgage, charge, instalments, or annuity, as aforesaid, or such part of same as may at the time of such sale be apportioned in respect of the land sold.

Extended investment of purchase-money of holding.

19.—(1.) Where the land comprised in a holding sold to a tenant is settled land within the meaning of the Settled Land Acts, 1882 to 1890, and the purchase-money for such holding is received by the trustees of the settlement, those trustees, according to such direction and subject to such consent (if any) as is required by the Settled Land Acts, 1882 to 1890, may in their discretion invest the money not only on any security authorised by the Settled Land Acts, 1882 to 1890, but also in any other securities the investment in which is consented to by the person who, next after the then

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tenant for life and his or her wife or husband, is entitled to the money for his life or for any greater interest, and, if such person is under disability, the consent may be given in manner provided by section seventy-three of the Landed Estates Court Act.

(2.) Where the persons so entitled are trustees they may give the said consent without incurring any liability, and may give it before the agreement for sale is made, and where the persons so entitled are entitled as tenants in common, a majority of the persons representing more than half the value of the whole of the property of such tenants in common may give the said consent.

(3.) In the case of settled land, if there are no trustees of the settlement, trustees may be appointed under the Settled Land Acts, 1882 to 1890, before any such agreement for sale is made, and the trustees of the settlement may, before any such agreement for sale is made, consent to the securities in which money arising from any sale is to be invested.

(4.) This section shall not authorise an investment in any security specifically forbidden by the settlement, unless such investment be authorised by the Settled Land Acts, 1882 to 1890, but shall have effect notwithstanding any general prohibition of investing in securities not mentioned in the settlement.

Redemption of tithe rent-charge under 50 & 51 Vict. c. 33.

20. Where any tithe rentcharge, annuity, rentcharge, or rent, or any apportioned part thereof, is ordered to be redeemed pursuant to the provisions of the Land Law (Ireland) Act, 1887, the Land Commission shall have the same powers in respect of the redemption-money thereof as are contained in sub-section one of section fourteen of the said Act, and the provisions of section sixteen of the said Act shall apply to any superior rent affecting such tithe rentcharge or rent, or to any fee-farm grant or lease reserving the same.

Application of Guarantee Fund under Labourers (Ireland) Acts. 46 & 47 Vict. c. 60.

21. When under the provisions of this Act the whole or any portion of the county per-centage, or of the Exchequer contribution, is applied towards the cost of providing labourers' cottages in any county, so much of the sixth section of the Labourers (Ireland) Act, 1883, as enacts that an improvement scheme shall provide for a plot or garden not exceeding half a statute acre being allotted to each dwelling shall not apply; and such dwelling may be provided with or without such plot or garden:

Provided that, notwithstanding anything in the said Acts, it shall be lawful for any local authority with the said moneys to acquire existing dwellings and to repair dwellings so acquired.

Miscellaneous as to area.

22.—(1.) A holding situated in more than one county shall, for the purposes of this Act, be deemed to be in such county as the Land Commission, having regard to the area and value of the holding, determine.

(2.) The counties of cities and counties of towns specified in the First Schedule to this Act shall, for the purposes of this Act, be considered as included in the counties therein named for that purpose, and the amount required in pursuance of this Act to be raised by a levy on any such county shall be apportioned by the Lord Lieutenant between such county of a city or county of a town and the rest of the county, in proportion to the rateable value of each area, and the provisions of this Act as to a levy on a county

shall apply with the necessary modifications to such county of a city or town, and in particular with the substitution for the grand jury of the county of the grand jury of such county of a city or town, or of any body therein to whom the power of a grand jury as to the presentment of public money has been transferred.

(3.) Nothing in this Act shall apply to a municipal borough mentioned in the Second Schedule to this Act, except that it shall be entitled to the same share in the Exchequer contribution and the Irish probate duty grant, as if the Act applied.

(4.) Provided that, if the town council of any such municipal borough shall by resolution so declare, this Act shall apply to such municipal borough in like manner as if such municipal borough were specified in the First Schedule to this Act; and the same shall be considered as part of the county at large within which it is situated, and if such borough is situated within more than one such county each portion thereof shall be considered part of the county at large within which that portion is situated.

Investment of guarantee deposit.

23.—(1.) No portion of the guarantee deposit shall be invested in any security that is not readily realisable.

(2.) Notwithstanding anything in any of the Land Purchase Acts, in every case of an advance under the said Acts and this Act exceeding three-fourths of the purchase-money of a holding, the Land Commission shall retain a guarantee deposit out of the advance, unless such deposit is otherwise provided.

Application of guarantee deposit in case of sale of holding for default.

24. If the Land Commission, in the exercise of any power of sale of a holding, for default in payment of a purchase annuity, which they legally may exercise, have sold such holding, and the purchaser is the owner for the time being of the guarantee deposit relating to such holding, or entitled to the income thereof, the Land Commission may, at the request of such purchaser, and with the consent of the person or persons (if any) beneficially interested in the guarantee deposit, apply the guarantee deposit pro tanto in discharge of so much of the purchase money as is required to meet the amount of the annuity in default, and thereupon make an order declaring the purchaser's interest in the holding to be charged with such sum in favour of the person or persons entitled to the capital of the guarantee deposit, but subject nevertheless to the future instalments of the purchase annuity.

Power to Land Commission to claim possession of holding.

25. Whenever the Land Commission are entitled to cause any holding to be sold for the non-payment of any sum due to them, they may, if they think fit, apply to the High Court, in the manner prescribed by rules of the High Court, for an order to the sheriff to put them in possession of such holding, and it shall be lawful for such court, if it sees fit, and upon hearing such evidence as is offered, to issue an order accordingly, and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession. Any order made under this section shall be subject to the same right of appeal as now by law exists from any order of the said court. The court shall ascertain and determine in such proceeding the amount due to the Land Commission, and if, within the time limited by such order, the person against whom such order

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is made shall pay to the Land Commission the amount so found due, together with the costs of such proceedings, the Land Commission shall certify accordingly and such order shall not issue or be executed.

Extension of 44 & 45 Vict. c. 49. s. 19.

26.—(1.) The provisions of section nineteen of the Land Law (Ireland) Act, 1881, and the enactments amending the same, shall apply in all cases where an advance is made for the purchase of a holding under the Land Purchase Acts and this Act, and the powers thereby conferred on the Land Commission in regard to the determination of rent shall be exerciseable by them, with the necessary modifications, in sanctioning an agreement for sale; and for that purpose the expression "labourer," as used in the said section and the said enactments, shall mean a man whose occupation during the ordinary season of agricultural work is the doing of agricultural work for hire on the holding, and shall include a herdsman.

(2.) It shall be the duty of the inspector appointed by the Land Commission to report whether the holding affords sufficient security for the advance applied for, to inquire into the condition in respect of house accommodation of every labourer employed on the holding, and to report to the Land Commission accordingly.

(3.) If an order has been made in favour of any labourer employed on the holding, no proceedings for the recovery of a penalty under such order shall be defeated by reason only of the labourer having been dismissed from such employment.

Power of Treasury to make rules.

27.—(1.) The Treasury may make rules for the purpose of carrying into effect this part of this Act, and in particular with respect to—

(*a*) the Sinking Fund and the creation and issue of the stock, and the cancellation of the stock when purchased or redeemed, and the sinking fund payments and dividends on account of stock cancelled;

(*b*) the audit of the accounts of any receipts and expenditure by the Controller and Auditor-General or otherwise;

(*c*) the conclusiveness of any certificate given in pursuance of such rules.

(2.) Such rules shall be laid before Parliament, and shall have effect as if enacted in this Act, and so far as they relate to the creation, issue, or redemption of stock, or to the Sinking Fund, shall not be altered without the consent of Parliament.

Tenure of Land Commissioners, &c.

28.—(1.) From the commencement of this Act the Land Commission shall be perpetual, but it shall be lawful for the Lord Chancellor to remove for inability or misbehaviour any Commissioner other than the Judicial Commissioner.

(2.) Every order of removal shall state the reasons for which it is made, and no such order shall come into operation until it has lain before both Houses of Parliament for not less than thirty days, nor if either House passes a resolution objecting to it.

(3.) Save as aforesaid, each Commissioner, other than the Judicial Commissioner, shall hold his office by the same tenure as if he were a county court judge in Ireland, and his salary shall be paid out

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of the Consolidated Fund; but none of the Commissioners shall by reason of this Act be entitled to any pension or superannuation allowance, save so far as he would have been so entitled if this Act had not passed.

(4.) The Lord Chancellor may nominate any judges of the High Court, other than the Lord Chief Justice and the Master of the Rolls, to act as additional Judicial Commissioners for the purposes of the Land Purchase Acts as amended by this Act for the time specified by him; and every judge so nominated shall during that time have the same jurisdiction for the purpose of determining any question of law, or of hearing any appeal, as the Judicial Commissioner for the purposes of the said Acts.

(5.) If and when the Judicial Commissioner is temporarily unable to attend, or his office is vacant, the Lord Chancellor may nominate any judge of the High Court to act temporarily in his place, and the judge so nominated shall during such inability or vacancy have the same jurisdiction as if he were the Judicial Commissioner.

(6.) A judge of the High Court appointed before the first day of January one thousand eight hundred and eighty-eight shall not, without his own consent, be nominated under this section.

(7.) Such of the assistant commissioners and such of the persons for the time being employed by the Land Commission as the Lord Lieutenant and the Treasury, after receiving and considering reports from the several members of the Land Commission, determine to be necessary and best qualified for the permanent organisation of the staff of the Land Commission, shall, as from the first day of January next after the passing of this Act, notwithstanding anything in the Land Purchase Acts, be permanent civil servants of the Crown within the meaning of section seventeen of the Superannuation Act, 1859; and in their case, and in the case of persons formerly employed by the Commissioners of Church Temporalities in Ireland or by the Land Commission who have since served continuously in the service of the Crown, their periods of service (if any) under the Commissioners of Church Temporalities in Ireland or under the Land Commission, as the case may be, shall be taken into account for all purposes of superannuation allowance, and such portion of the superannuation allowance (if any) as the Treasury determine to be properly payable in respect of such service shall be charged on and paid out of the Irish Church Temporalities Fund. 22 Vict. c. 26.

(8.) Notwithstanding anything in section seventeen of the Purchase of Land (Ireland) Act, 1885, any Commissioner in carrying the Land Purchase Acts and this Act into effect may submit any question of law arising under the said Acts for the hearing and determination of the Judicial Commissioner, and it shall not be necessary that any Commissioner shall sit with the Judicial Commissioner when he is hearing or determining any question of law under the provisions of that section. 48 & 49 Vict. c. 73.

Powers of Land Commissioners. 48 & 49 Vict. c. 73.

29.—(1.) Nothing in section seventeen of the Purchase of Land (Ireland) Act, 1885, shall be deemed to limit the jurisdiction of any member of the Land Commission under Part V. of the Land

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Law (Ireland) Act, 1881, and the Acts amending the same, and anything done by any member of the Land Commission in carrying the said Acts into effect shall be as valid and effectual as if it were done by the Land Commission: Provided that any person aggrieved may appeal from the decision of any commissioner acting alone in carrying the said Acts into effect, and if the appeal is on a question of law only it shall be to the Judicial Commissioner, and in any other case it shall be to three commissioners, of whom one shall be the Judicial Commissioner, one shall be a commissioner appointed under the Purchase of Land (Ireland) Act, 1885, and the third a commissioner appointed under the Land Law (Ireland) Act, 1881: Provided also that any order of the Land Commission in carrying the said Acts into effect shall, in the first instance, be made by a Commissioner sitting alone.

(2.) Provided that the duty of sanctioning advances under the Land Purchase Acts and this Act shall be discharged exclusively by the Commissioners appointed under the Purchase of Land (Ireland) Act, 1885, until the fair rent appeals lodged on or before the first day of June one thousand eight hundred and ninety-one shall have been disposed of.

(3.) The commissioners appointed under the Purchase of Land (Ireland) Act, 1885, shall thereupon have the same jurisdiction as if they had then been appointed, under the Land Law (Ireland) Act, 1881, members of the Land Commission, other than the Judicial Commissioner, notwithstanding that no order may have been made by the Lord Lieutenant under section seventeen of the Purchase of Land (Ireland) Act, 1885.

(4.) Provided also that, if it shall appear to the Lord Lieutenant that the security for any advance under this Act sanctioned by the decision of a single commissioner is inadequate, he may require the case to be reheard by three commissioners in the manner provided by this section.

(5.) The general rules and orders which shall be in force at the commencement of this Act in relation to the acquisition of land by tenants shall, until expressly varied by rules to be made as hereinafter provided, remain and be in force in all proceedings under the Land Purchase Acts, as amended by this Act, in the same manner in all respects as if they had been rules made under this Act.

(6.) All rules to be made by the Land Commission for carrying into effect the Land Purchase Acts, as amended by this Act, shall be made by a majority of the commissioners, which majority shall include the Judicial Commissioner.

Powers under 44 & 45 Vict. c. 49. ss. 43, 44.

30. The powers of delegation conferred on the Land Commissioners under the forty-third and forty-fourth sections of the Land Law (Ireland) Act, 1881, shall not apply to the discharge of duties arising under the Land Purchase Acts.

Power of Land Commission to determine disputes between tenants.

31. Where any tenants of an estate have agreed to purchase their holdings under the Land Purchase Acts, the Land Commission shall have power, if they think fit, where the agreements for sale so provide, to determine for the purposes of the sale all questions

which may arise respecting the boundaries of the holdings, easements, turbary, or appurtenances claimed by any of such tenants of such estate against any other of such tenants of the same estate.

Decisions as to advances to be published.

32. The Land Commission shall make public their decisions as to advances under this Act, and under the Land Purchase Acts, 1885 and 1888, in such manner as the Lord Lieutenant shall by rules direct.

Returns.

33. Periodical returns shall be made by the Land Commission at the prescribed times in each year and forthwith laid before Parliament, and shall contain with respect to every county the prescribed particulars, including the particulars herein-after mentioned, that is to say :—

(*a.*) Returns of advances under this Act, specifying—

(i.) the situation, size, rateable value, and rent (judicial or non-judicial) of each holding for the purchase of which an advance has been made ;

(ii.) the vendor and purchaser thereof ;

(iii.) the amount of the purchase-money, advance, and guarantee deposit ; and

(iv.) particulars of any order made under section nineteen of the Land Law (Ireland) Act, 1881, as amended by this Act, in relation to such holding and of the enforcement thereof ;

(*b.*) Returns specifying the like particulars as above mentioned with respect to cases (if any) in which default has been made in the payment of purchase annuities, and, specifying further the date of the advance, the amount of instalments paid and in default respectively, the proceedings taken for the recovery of the instalments in default, and the amount of loss on the occasion of the sale of any holding ;

(*c.*) Returns specifying—

(i.) the amount (if any) which has been temporarily advanced out of the Consolidated Fund, and the amount (if any) which has been paid out of the Guarantee Fund to the Land Purchase Account, or to the Consolidated Fund ;

(ii.) the amount which has been applied under this Act towards the cost of providing labourers' cottages ;

(iii.) the presentments (if any) which have been made under this Act ;

(iv.) the regulations and decisions which have been made by the Lord Lieutenant with respect to the share of any county, local authority, or person in any fund or sum dealt with under this Act, and with respect to the proportion in which advances are to be made in a county as between holdings the rent of which exceeds fifty pounds and other holdings ; and

(v.) the amounts paid out of the purchaser's insurance money under this Act, and the amounts paid out of the reserve fund and repaid to such fund under this Act.

Part II. Congested Districts.

PART II.

CONGESTED DISTRICTS.

Constitution of Congested Districts Board.

34.—(1.) For twenty years after the passing of this Act, and thereafter until Parliament shall otherwise determine, there shall be a Board called the Congested Districts Board for Ireland, consisting of the Chief Secretary and of a member of the Land Commission whom the Lord Lieutenant may nominate to especially represent agriculture and forestry, and who shall be ex-officio members of the board, and of five other members. The Chief Secretary, when absent, shall be replaced by the Under Secretary to the Lord Lieutenant.

(2.) It shall be lawful for Her Majesty, by warrant under the Royal Sign Manual, to appoint and fill up vacancies among the members, other than the ex-officio members, and also in the same manner to appoint one or more persons, not exceeding three, to be temporary members of the Board for the purpose of the business of the Board relating to fisheries, agriculture, or other special matters. A temporary member of the Board shall hold office for such period as may be mentioned in the warrant appointing such member.

(3.) Three members of the Board, not including temporary members, shall form a quorum, and any act of the Board may be signified under the hands of any three members of the Board.

Provision of moneys for purposes of Part II.

35.—(1.) For the purposes of this part of this Act, the sum of one million five hundred thousand pounds (in this Act referred to as the Church Surplus Grant) shall, with interest at the rate of two and three-quarters per cent per annum, be charged on the Irish Church Temporalities Fund, and such interest shall, so far as not required for the purposes of the Guarantee Fund as herein-after mentioned, be placed at the disposal of and paid or applied as may be directed by the Congested Districts Board for the purposes of this Act.

(2.) The interest on the Church Surplus Grant shall be paid by the Land Commission at such times as the Treasury direct, and so far as not for the time being required, may, under the directions of the Treasury, be invested, and the principal and income of such investment shall be dealt with as if it were the said interest.

(3.) The Land Commission may, with the consent of the Treasury, place at the disposal of and pay and apply as may be directed by the Congested Districts Board for the purposes of this Act any part of the principal of the Church Surplus Grant which may not in the opinion of the Treasury and of the Lord Lieutenant be required for the purposes of the contingent portion of the guarantee fund.

44 & 45 Vict. c. 49.
45 & 46 Vict. c. 47.
46 & 47 Vict. c. 43.

(4.) Section thirty-two of the Land Law (Ireland) Act, (1881), and section twenty of the Arrears of Rent (Ireland) Act, 1882, and section twelve of the Tramways and Public Companies (Ireland) Act, 1883, shall be repealed.

(5.) The Irish Reproductive Loan Fund and the Sea and Coast Fisheries Fund, including all moneys due on foot of loans, and for

interest, dividends, and other annual income payable on foot of such funds, save and except the sum of twenty thousand pounds, forming portion of the Sea and Coast Fisheries Fund, shall be placed at the disposal of the Board for the purposes of this Act, but shall be applicable only in any county in which the fund is before the passing of this Act applicable, and the said sum of twenty thousand pounds shall be retained by the Commissioners of Public Works, and expended by them elsewhere than in the congested district counties, as if this Act had not passed.

Congested districts counties, and application thereto of Part I.

36.—(1.) Where at the commencement of this Act more than twenty per cent of the population of a county, or in the case of the county Cork of either riding thereof, live in electoral divisions of which the total rateable value, when divided by the number of the population, gives a sum of less than one pound ten shillings for each individual, those divisions shall for the purposes of this Act be separated from the county in which they are geographically situate, and form a separate county (in this Act referred to as a congested districts county), and the provisions of this Act as to the share of a county in any portion of the Guarantee Fund shall apply to such county with the necessary modifications.

(2.) Provided that if within one year from the passing of this Act it appears to the Congested Districts Board that it is expedient to include under the provisions of this section any electoral division other than the divisions herein-before mentioned, or to exclude therefrom any electoral division, it shall be lawful for the Lord Lieutenant, on the report of the Board, to include or exclude, as the case may be, such division.

(3.) The interest on the Church Surplus Grant shall form part of the contingent portion of the Guarantee Fund, and be applicable for the purposes of that Fund next after the rates on Government property, and be apportioned between the congested districts counties in proportion to their population.

(4.) The local grants under the accounts headed "Model Schools and National Schools" shall not form part of the contingent portion of the Guarantee Fund for a congested districts county.

(5.) Where under this Act a sum is required to be raised by a levy on a county from which a congested districts county is separated, no portion of it shall be presented or applotted upon or raised out of any hereditaments in the latter county.

(6.) Where under this Act a sum is required to be raised by a levy on a congested districts county, one half of that sum shall be paid out of the share of the county in the interest on the Church Surplus Grant, so far as that share extends; and the residue shall be raised by the Lord Lieutenant by a levy on the county, and the requisition may be sent to the secretary of the grand jury of the entire county, and the same shall be paid accordingly, but shall solely be presented and applotted upon and raised out of the hereditaments within the congested districts county.

Amalgamation of small holdings in congested districts county.

37.—(1.) For the purpose of amalgamating small holdings in a congested districts county, the Congested Districts Board may—

(*a*) out of the moneys at their disposal, give special aid to the migration or emigration of any occupier of a holding, with his

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family, if any, and settling such migrant or emigrant under favourable circumstances in the place to which he first migrates or emigrates, on condition that he transfers his interest in that holding to an occupier of a neighbouring holding and that the holdings are amalgamated, or that he transfers such interest to the Land Commission ; and

(*b*) recommend the Land Commission to facilitate the amalgamation of small holdings, which the Land Commission are hereby authorised to do, whether by the apportionment of a purchase-annuity and of the guarantee deposit, or by a sale to a tenant, or by making an advance towards the purchase of an interest in a holding ; and any such advance may be made out of money supplied by the Board, and shall be repaid by an annuity charged on the holding as if the advance were made under the Land Purchase Acts, but all sums received by the Land Commission on account of such annuity shall be paid to the Board. The annuity may be charged on the amalgamated holding, and not merely on the holding purchased, subject nevertheless to any prior charges on such portion of the holding as has not been purchased, and subject to any rent of either holding.

(2.) Provided that no holding shall be increased by amalgamation under this section so that in the opinion of the Board the rateable value will exceed twenty pounds.

(3.) In a congested districts county a small holding purchased by means of an advance by the issue of stock under this Act, shall not during the continuance of the purchase-annuity charged thereon be sold, except to the occupier of a holding in the neighbourhood or to the Land Commission, and if it is, the Land Commission may cause the holding to be sold as if for a breach of condition under section thirty of the Land Law (Ireland) Act, 1881

44 & 45 Vict. c. 49.

(4.) The purchase by the Land Commission of a holding shall be made through the Congested Districts Board, and out of moneys provided by the Board, and for such price as may be agreed on by the vendor and the Board, or, in case of difference, may be determined by the Land Commission to be its full market value.

(5.) Where a small holding in a congested districts county is (whether under this section or the Land Purchase Acts) liable to be sold, or has been purchased by the Land Commission, the Land Commission shall endeavour to sell the same to one of the occupiers of a neighbouring holding with a view to the holdings being amalgamated.

(6.) The sale may be made upon such terms and conditions and at such price as the Land Commission fix, and the price may not be greater than the difference between the value of the two holdings after amalgamation, and the value of the purchaser's holding before amalgamation.

(7.) The purchase money may be advanced as if it were for a purchase under the Land Purchase Acts, save that the annuity shall be charged on the amalgamated holding, and not merely

on the holding purchased, subject nevertheless to any prior charges on such portion of the holding as has not been purchased.

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Supplemental provisions as to amalgamation of holdings in congested districts county. 44 & 45 Vict. c. 49.

38.—(1.) On a holding amalgamated in pursuance of this Act, one house only shall be used as a dwelling-house, and if more than one house is so used, the Land Commission shall, except where that use is permitted as herein-after mentioned, cause the holding to be sold as if for a breach of condition under section thirty of the Land Law (Ireland) Act, 1881.

(2.) Provided that the Congested Districts Board, if they think special reasons justify the course, may request the Land Commission to permit, and thereupon the Land Commission shall permit, the former occupier of another house on the amalgamated holding or a member of his family to become and be caretaker of such other house, and of any yard and garden attached thereto, not exceeding one quarter of an acre, for such limited time and on such conditions as the Board approve.

(3.) Where a holding amalgamated in pursuance of this Act is of less value than the holdings out of which it was amalgamated, either because only one house can be used as a dwelling-house on the amalgamated holding, or otherwise by reason of the amalgamation, the Land Commission may, and on the request of the Congested Districts Board shall, certify the amount of the difference, and that amount shall be paid by the Board out of the moneys at their disposal to the person or department on whom the loss has fallen, and if paid to the Land Commission shall be applied towards the discharge of the purchase-annuity on the holding.

(4.) The provisions of this Act respecting the amalgamation of holdings shall, in cases where the Congested Districts Board think it expedient, apply to a part of a holding.

Power to aid migration and emigration, agriculture and industries.

39.—(1.) The Congested Districts Board may take such steps as they think proper for—

(*a*) aiding migration or emigration from any electoral division, which either forms part of a congested districts county, or the total rateable value of which, when divided by the number of the population, gives a sum of less than one pound ten shillings for each individual, and settling any migrant or emigrant under favourable circumstances in the place to which he first migrates or emigrates; and

(*b*) providing suitable seed potatoes and seed oats for sale to occupiers in any such electoral division; and

(*c*) aiding and developing agriculture, forestry, the breeding of live stock and poultry, weaving, spinning, fishing (including the construction of piers and harbours, and the supply of fishing boats and gear, and industries connected with and subservient to fishing) and any other suitable industries; and for the purposes of Part II. of this Act the Land Commission may acquire (by purchase or taking on lease) and hold land, and may place such land under the control of the Congested Districts Board on such terms and conditions as they may deem expedient.

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(2.) The said seed shall be sold for ready money, and, where such price can be obtained for the same, for not less than the cost of the seed (including all expenses incurred for carriage, storage, or otherwise), except so far as such cost may be defrayed out of gifts specially given to the Board for that purpose.

(3.) Any person nominated by the Board may, at all reasonable times, and after due notice to the occupier, enter any land occupied by an occupier to whom seed has been sold, and ascertain whether it has been properly sown.

(4.) The Board may proceed under this section directly or indirectly, and by the application of money at their disposal or otherwise, and may make gifts or loans to any persons upon and subject to such conditions as the Board consider expedient, and any moneys received in respect of the principal or interest of the loans may be applied as part of the money placed at the disposal of the Board.

Supplemental as to Congested Districts Board.

40.—(1.) The Lord Lieutenant may direct the officers of the Land Commission to discharge such secretarial and other duties for the Board as he thinks proper, and for that purpose officers may be added to the permanent staff of the Land Commission, and if the Lord Lieutenant thinks those officers are insufficient, he may, with the sanction of the Treasury, authorise the Board to employ such officers as are required.

(2.) Any member of the Board shall be eligible to act as an officer under this section for any temporary purpose, but so long as he is employed as such officer he shall not act as a member of the Board.

(3.) The salaries or remuneration of the officers (if any) employed by the Board and the administrative expenses of the Board shall be fixed by the Treasury, and paid out of moneys provided by Parliament.

(4.) The Congested Districts Board may accept any gifts of property real or personal for all or any of the purposes for which money is provided under this part of this Act, and apply them according to the directions of the giver, if consistent in their opinion with the principles on which they apply the said money, and, subject to any such directions, may apply them in like manner as that money.

(5.) Any property given to the Board, and any investments made by or securities given to the Board, may be held, and given to the Land Commission, and shall be held by the Land Commission in trust for the purposes of this part of this Act, or such of them as the circumstances of the case require.

(6.) The Congested Districts Board shall submit to the Treasury annually and at any other time for any special purpose, in the form fixed by the Treasury, an estimate showing the amount proposed by the Board to be expended, and shall not expend any sums except in accordance with such estimate when approved by the Treasury, and shall not create any permanent charge on the Church Surplus Grant, except that they may with the sanction of the Treasury borrow out of the moneys available for local loans in Ireland on

Part II, Congested Districts.

the security of the annual income of the Church Surplus Grant such sum as, having regard to the liabilities of such income for the purposes of the Guarantee Fund and the other moneys at the disposal of the Board, the Treasury consider can be properly borrowed without danger to the security given by the Guarantee Fund.

(7.) The Board shall keep such accounts of their receipts and expenditure, and those accounts shall be audited in accordance with such regulations, as the Treasury direct, and be laid before Parliament.

Report of Congested Districts Board.

41. The Congested Districts Board shall once in every year after the year one thousand eight hundred and ninety-one make a report to the Lord Lieutenant on their proceedings under this Act, and every such report shall be presented to Parliament.

Part III. Definitions.

PART III.

DEFINITIONS, REPEALS, &C.

Interpretation of terms.

42. In this Act, unless the subject or context otherwise requires:—

The expression "Local Government Board" means the Local Government Board for Ireland:

The expression "prescribed" means prescribed by rules made by the Treasury in pursuance of this Act:

The expression "Local Taxation (Ireland) Account" means the account to which that name is given in the Probate Duties (Scotland and Ireland) Act, 1888:

51 & 52 Vict. c. 60.

The expression "Irish probate duty grant" means the sums which but for this Act would under section two of the last-mentioned Act be paid in respect of the probate duty grant to the Local Taxation (Ireland) Account:

The expression "Consolidated Fund" means the Consolidated Fund of the United Kingdom:

50 & 51 Vict. c. 2.

The expression "consolidated annuities" means the capital stock of perpetual annuities created under the National Debt Conversion Act, 1888, or consolidated with the annuities so created:

The expression "assizes" includes a presenting term, and the expression "judge of assize" includes a judge of the High Court, and the expression "County Treasurer" includes a Finance Committee or other persons exercising the functions of County Treasurer:

The expression "rateable value," when used in relation to any hereditament or area, means the annual rateable value under the Irish Valuation Acts of such hereditament or of the hereditaments comprised in such area:

The expression "annual value of the holding" means the annual sum which at the date of the application for an advance under the Land Purchase Acts is the rent of the holding in respect of which the advance is to be made, after deducting therefrom the average annual amount payable by the landlord during the five years next before such date for poor rate and grand jury

Part III. Definitions.

cess, and for tithe rentcharge (unless such tithe rentcharge is to be redeemed out of the purchase money); provided that, after the advance applied for has been sanctioned, the purchaser may apply to the Land Commission to determine the annual value of the holding, and thereupon such annual value shall be ascertained by the Land Commission in the manner prescribed by rules to be made by them, and in such case the said expression means the annual value so determined:

The expression "purchase-annuity" means an annuity for the repayment of an advance for the purchase of a holding made by the issue of stock under this Act:

The expression "population" means population according to the last published census for the time being:

The expression "local grants" means grants made in aid of local taxation or for local purposes out of moneys provided by Parliament, and any reference to the purposes or account for or on which grants are made shall be construed according to the terms of the estimates for such grants laid before the House of Commons and the heads of account therein mentioned:

33 & 34 Vict. c. 46. 35 & 36 Vict. c. 32. 44 & 45 Vict. c. 49. 46 & 47 Vict. c. 43. 48 & 49 Vict. c. 73. 50 & 51 Vict. c. 33. 51 & 52 Vict. c. 49. 52 & 53 Vict. c. 13. 48 & 49 Vict. c. 73. 51 & 52 Vict. c. 49.

The expression "Land Purchase Acts" means the Landlord and Tenant (Ireland) Act, 1870 (Parts II. and III.), the Landlord and Tenant (Ireland) Act, 1872, the Land Law (Ireland) Act, 1881 (Part V., Part VI., and Part VII.), the Tramways and Public Companies (Ireland) Act, 1883 (Part II.), the Land Purchase Acts, 1885 and 1888, the Land Law (Ireland) Act, 1887 (Parts II. and IV.), and the Purchase of Land (Ireland) Amendment Act, 1889; and the said Acts and this Act may be cited as the Land Purchase (Ireland) Acts, 1870 to 1891:

The expression "Land Purchase Acts, 1885 and 1888," means the Purchase of Land (Ireland) Act, 1885, and the Purchase of Land (Ireland) Amendment Act, 1888:

The expression "Irish Church Temporalities Fund" means the fund under the control of the Land Commission by virtue of the Irish Church Act Amendment Act, 1881:

44 & 45 Vict. c. 71.

The expression "a small holding" means a holding of a rateable value of less than ten pounds, or any higher sum fixed by the Congested Districts Board:

The expression "occupier" means an occupier whether tenant or proprietor:

The expression "county" means the riding of a county where such riding is separated from the county for fiscal purposes:

The expression "land judge" means the Land Judge of the Chancery Division of the High Court.

Repeal of enactments; construction; short title.

43.—(1.) The enactments described in the Third Schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule.

(2.) This Act shall be construed as one with the Land Purchase Acts and may be cited as the Purchase of Land (Ireland) Act, 1891.

SCHEDULES.

FIRST SCHEDULE.

Section 22.

Counties of Cities and Towns included in Counties.

Names.	Counties in which included.
County of the city of Kilkenny - -	Kilkenny.
County of the town of Carrickfergus -	Antrim.
County of the town of Galway - -	Galway.
County of the town of Drogheda -	Louth.

SECOND SCHEDULE.

Section 22.

Municipal Boroughs to which the Act does not apply.

Dublin.
Cork.
Belfast.
Limerick.
Londonderry.
Waterford.

THIRD SCHEDULE.

Section 43.

ENACTMENTS REPEALED.

Enactments to be Repealed on Commencement of Act.

Chapter and Session.	Title of Act.	Extent of Repeal.
44 & 45 Vict. cap. 49.	The Land Law (Ireland) Act, 1881.	Section forty-one, from "The two Commissioners other" down to "passing of this Act"; the words "during the said period of seven years"; and from "but the person so appointed" to the end of the section, and section fifty-three so far as it applies to any person who, by virtue of the determination of the Lord Lieutenant and the Treasury under this Act, or otherwise is a permanent civil servant of the Crown.

Chapter and Session.	Title of Act.	Extent of Repeal.
48 & 49 Vict. cap. 73.	The Purchase of Land (Ireland) Act, 1885.	Section three, from "The Land Commission shall pay" down to "per annum," so far as respects an advance made by means of stock. Section seventeen, from "shall continue" to "appointments and"; the words "during the said period of three years"; and from "The person so appointed" down to "would have done." In section twenty-four, from "out of the Consolidated Fund," where those words first occur, to the end of the section.
51 & 52 Vict. cap. 49.	Purchase of Land (Ireland) Amendment Act, 1888.	Section five.

CHAPTER 49.

An Act to regulate the Charges of Returning Officers at Parliamentary Elections in Scotland.

[5th August 1891.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act shall be construed as one with the Ballot Act, 1872, the Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878, the Parliamentary Elections (Returning Officers) Act, 1885, the Returning Officers (Scotland) Act, 1886, and the Corrupt Practices Prevention Act, 1883, and may be cited as the Returning Officers (Scotland) Act, 1891.

Application of Act.

2. This Act shall extend to Scotland only, and only to parliamentary elections, but shall not apply to an election for any university or combination of universities.

Payments to returning officers.

3. The returning officer at an election shall be entitled to his reasonable charges not exceeding the sums mentioned in the schedule to this Act, in respect of services and expenses of the several kinds mentioned in the said schedule, which have been properly rendered or incurred by him for the purposes of the election; and save as herein-after mentioned he shall not be entitled to payment for any services or expenses, other than the before-mentioned charges, or at any greater rates than as in the said schedule mentioned, any law or usage to the contrary notwithstanding.