In case of resignation of trustees. 30 & 31 Vict. c. 97.

7. Where a trustee entitled to resign (not being a sole trustee) shall have resigned in either of the modes provided by the Trusts (Scotland) Act, 1867, or otherwise, and his resignation shall have been duly completed, such trustee shall be thereby divested of the whole property and estate of the trust, which shall accrue to or devolve upon the continuing trustees or trustee, without the necessity of any conveyance or other transfer by the resigning trustee, but without prejudice to the right of the continuing trustees or trustee to require the resigning trustee to execute and deliver to the continuing trustees or trustee, at the expense of the trust, a conveyance or transfer (or conveyances or transfers) of the property or estate belonging to the trust or any part thereof, if the continuing trustees or trustee shall consider this expedient, and the resigning trustee when so required, shall be bound, at the expense of the trust, to execute and deliver such conveyance or conveyances, transfer or transfers accordingly.

Court to have power to remove trustees in cases of insanity, &c.

8. In the event of any trustee being or becoming insane, or incapable of acting by reason of physical or mental disability or by continuous absence from the United Kingdon for a period of six calendar months or upwards, such trustee in the case of insanity or incapacity of acting by reason of physical or mental disability shall, and in the case of continuous absence from the United Kingdom for a period of six calendar months or upwards may, on application in manner herein-after mentioned by any co-trustee or any beneficiary in the trust estate, be removed from office upon such evidence as shall satisfy the court of the insanity, incapacity, or continuous absence of such trustee. Such application, in the case of a mortis causa trust, may be made either to the Court of Session or to the sheriff court from which the original confirmation of the trustees as executors issued, and in the case of a marriage contract may be made either to the Court of Session or to the sheriff court of the district in which the spouses are, or the survivor of them is, domiciled; and in all other cases shall be made to the Court of Session.

Application of Act.

9.—(1.) This Act shall apply to trusts coming into operation before as well as after the passing of this Act.

(2.) Provided always, that save as in this Act expressly provided nothing therein contained shall authorise any trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do.

(3.) And provided also, that nothing herein contained shall be held to extend the liability of trustees.

CHAPTER 45.

An Act to provide for and regulate the user by purchasing tenants of Rights of Turbary. [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:

Purchase of bog by Land Commission.

1.—(1.) Where any tenants of holdings on an estate have agreed to purchase their holdings, the Land Commission may, if the landlord agrees to sell any bog on the estate, purchase the same for the benefit of any tenants or purchasers of holdings on the estate who have been accustomed to exercise, whether as of right or by permission, any privilege of turbary over any bog on the estate, or for the benefit of any other tenants or purchasers of holdings on such estate and of other inhabitants of the neighbourhood.

(2.) The amount of the purchase money and costs shall be defrayed as part of the expenses of the Land Commission, and all sums received by the Land Commission in respect of bogs purchased in pursuance of this section shall, if directed by the Treasury, be applied as an appropriation in aid of money provided by Parliament for the expenses of the Land Commission, and, so far as not so directed, shall be paid into the Exchequer.

(3.) The Land Commission, before purchasing any bog, shall be reasonably satisfied that they will ultimately realise by means of the bog an amount sufficient to repay the purchase money with interest at the rate of three and one eighth per centum per annum.

Grant of privilege of turbary.

2. Where the Land Commission purchase a bog on an estate, and any tenants or purchasers of holdings on the estate have been accustomed, whether as of right or by permission, to exercise any privilege of turbary, the Commission shall grant them that privilege, subject to the provisions herein-after contained as to payment, conditions, and regulations, and, so far as such grants shall not extend, may grant privileges of turbary to the tenants or purchasers of holdings on the estate and to other inhabitants of the neighbourhood, or any of them, and, so far as such grant shall not extend, in every case shall require such payments as the Land Commission consider will, after deducting current expenses, pay off with interest the purchase money and costs of purchase, and may make such conditions and regulations as they think expedient as to the exercise of the privileges granted.

Sale of exhausted bog.

3. When the bog or any part thereof is exhausted for purposes of turbary the Land Commission may sell the same.

Regulations for exercise of rights of turbary.

4.—(1.) Where a holding for the purchase of which an agreement has been entered into by a tenant comprises a bog which is subject to a right of turbary exerciseable by persons other than the purchaser of the holding, the Land Commission on the prescribed application may make regulations for the purpose of securing that the exercise of the right shall not prevent the future reclamation of the bog, and that such persons shall have reasonable facilities for the exercise of the said rights.

(2.) Any regulations under this section may provide for the punishment of any breach of them by a fine not exceeding five pounds to be recovered in a court of summary jurisdiction.

Application of Act.

32 & 33 Vict. c. 42.

5. This Act shall apply where holdings have been purchased whether before or after the commencement of this Act, under any of the Land Purchase Acts, or under the Irish Church Act, 1869: Provided that, where a holding subject to a right of turbary has been purchased before the commencement of this Act, the regulations

under this section shall be made only on the application of the proprietor of the holding.

Definitions.

6. In this Act—

(1.) "Land Purchase Acts" means the Landlord and Tenant (Ireland) Act, 1870 (Parts II. and III.); the Land Law (Ireland) Act, 1881 (Part V.); the Purchase of Land (Ireland) Act, 1885; the purchase of Land (Ireland) Amendment Act, 1888, and any Act amending the same.

(2.) "Estate" means any lands belonging to one landlord which the Land Commission may declare form a separate estate for the purposes of this Act.

(3.) Other expressions have the same meanings respectively as in the Land Purchase Acts.

Short title.

7. This Act may be cited as the Turbary (Ireland) Act, 1891.

CHAPTER 46.

An Act to amend the Post Office Acts and to make provision for the Service of the Post Office. [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:

Inland Postal Regulations.

Regulations as to circulars and documents, and words on registered newspapers. 38 & 39 Vict. c. 22.

1. A warrant of the Treasury under section four of the Post Office Act, 1875, made after the passing of this Act may determine—

(*a*) what circulars or what commercial, legal, and other similar documents; and

(*b*) what marks, or indications referring to the contents of a registered newspaper, when written or printed on the newspaper or on the cover thereof,

shall not be charged with rates of postage as letters.

Modification of 33 & 34 Vict. c. 79. s. 6 as to supplements to newspapers.

2.—(1.) A warrant of the Treasury under section four of the Post Office Act, 1875, may modify the provisions of section six of the Post Office Act, 1870, respecting the supplement of a newspaper, so far as they apply to a supplement which consists wholly of engravings, prints, or lithographs illustrative of articles in the newspaper.

(2.) There shall be repealed so much of the said section six as requires the supplement to a newspaper to be unstitched, but all sheets of a supplement shall be put together at some one part of the registered newspaper, whether gummed or stitched up with the newspaper or not.

(3.) There shall further be repealed so much of the said section six as requires the supplement to a newspaper to have the date of publication of the newspaper printed at the top of every page, sheet, or side on which any engraving, print, or lithograph appears.