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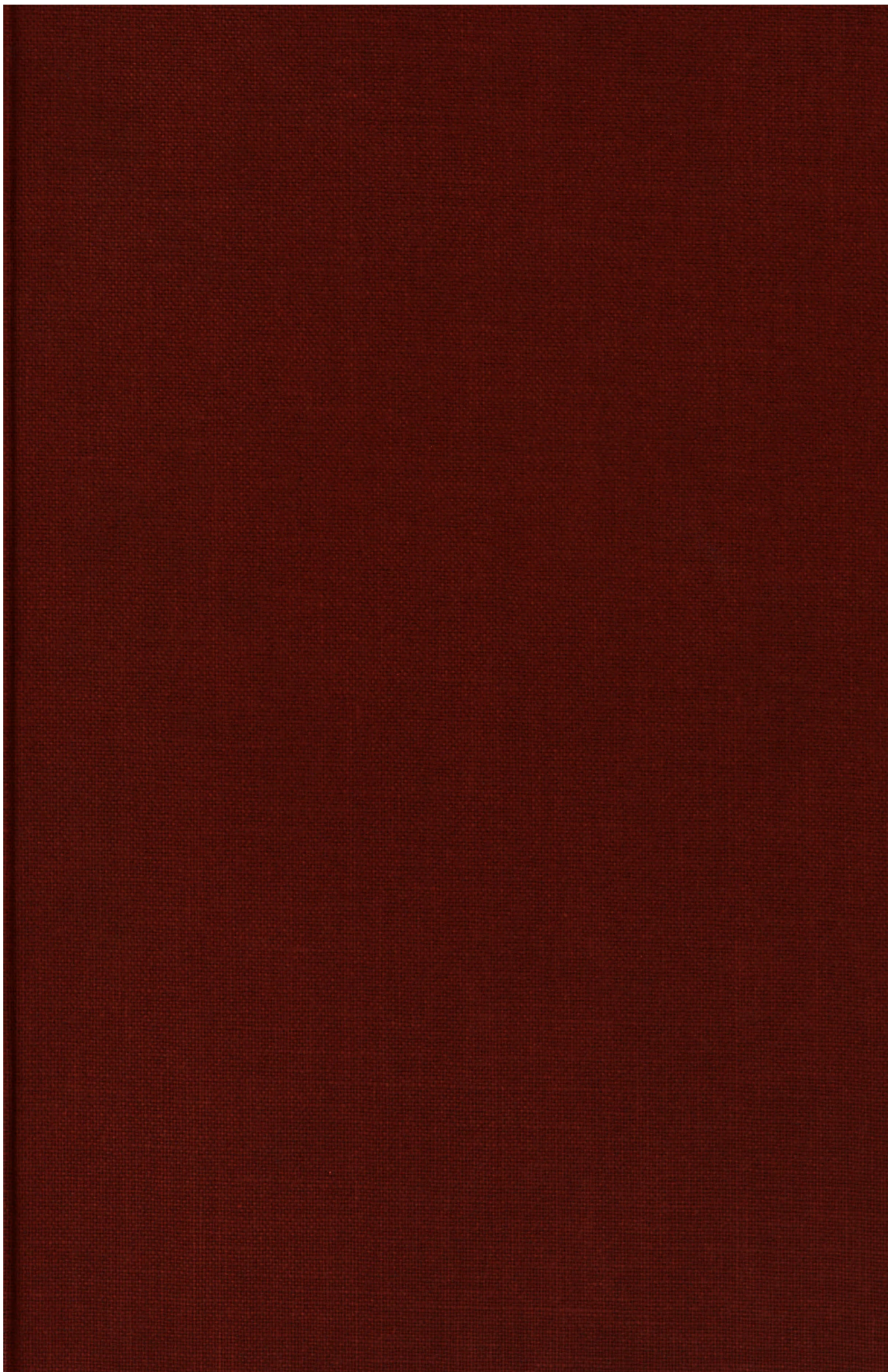
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8/66 (15)

THE
SESSIONAL PAPERS
PRINTED BY ORDER
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THE HOUSE OF LORDS,

OR PRESENTED BY ROYAL COMMAND.

IN THE

Session 1909,

(9 EDWARD VII.)

ARRANGED IN VOLUMES.

Vol. VII.

PUBLIC BILLS,

(Six Volumes.)

CONTINUED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

IND - - KIR

1909.

PUBLIC BILLS, 1909.

(SIX VOLUMES.)

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**Indecent Advertisements (Amendment)
Bill. [H.L.]**

MEMORANDUM.

The object of this Bill is to strengthen the law against the publication of improper advertisements. The Indecent Advertisements Act of 1889 has had considerable effect in preventing the distribution of certain classes of unsavoury advertisements; but the definition of indecent advertisements in that Act has been found not to be wide enough to cover a number of advertisements of a character similar to those struck at by the Act. And while powers exist under the Post Office Protection Act of 1884 for preventing the circulation of such matter by post, there are no adequate or summary means of suppressing the publication in newspapers of advertisements which it is illegal to distribute in the streets.

11000

(1000)

A

B I L L

INTITULED

An Act to amend the Indecent Advertisements
Act, 1889.

A.D. 1909.

BE it enacted by the King'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:—

5 **1.** Section five of the Indecent Advertisements Act of 1889 is hereby repealed from the commencement of the section down to and including the words "sexual intercourse," and the following words are hereby substituted in the said section for the words hereby repealed:—

Amendment of the definition of indecent matter in s. 5 of the Indecent Advertisements Act, 1889, 52 & 53 Vict. c. 18.

10 "Any advertisement relating to any disease affecting the generative organs of either sex or to any complaint or infirmity arising from or relating to sexual intercourse or to the treatment of any complaint or condition peculiar to females, or to the removal of irregularities in menstruation, and any advertisement relating to drugs, medicines, appliances or treatment for procuring abortion or promoting miscarriage or preventing conception, or which might reasonably be construed as relating to any illegal medical treatment or to any illegal surgical operation."

15

20 **2.** Whosoever shall exhibit to public view in any house or shop any appliance for procuring abortion or promoting miscarriage or preventing conception, shall, on conviction in manner provided by the Summary Jurisdiction Acts, be liable to a penalty not exceeding five pounds, or, at the discretion of the court, to

25 imprisonment with or without hard labour for a term not exceeding three months.

Penalty for exhibiting certain appliances of an improper character.

(209.)

A

A.D. 1909.

Indecent
advertise-
ments in
newspapers.**3.**—(1) Whosoever shall—

- (a) publish in any newspaper any indecent advertisement;
or,
(b) deliver to any other person any indecent advertisement
for the purpose of procuring the publication thereof 5
in any newspaper,

shall be liable, on conviction in manner provided by the Summary Jurisdiction Acts, to a penalty not exceeding five pounds, or, in the discretion of the court, to imprisonment with or without hard labour for a term not exceeding three months: Provided that 10
on the conviction of a body corporate of an offence against this section the court may impose a penalty not exceeding twenty-five pounds.

(2) An advertisement shall be deemed to be “indecent” within the meaning of this section if it relates to any of the 15
matters specified in section one of this Act.

(3) The term “newspaper” in this section shall include any newspaper or supplement within the meaning of any Act for the time being in force relating to the printing, publication, or registration of newspapers, or to the Post Office. 20

(4) A prosecution under this section shall not be instituted against the proprietor, editor, or publisher of a newspaper without the previous consent in writing of the chief officer of police of the district in which the offence is alleged to have been committed, or of two justices of the peace, or a stipendiary magistrate having 25
jurisdiction in such district: Provided that a justice or magistrate who consents to such prosecution shall not adjudicate therein.

(5) Nothing in this section shall be construed to apply to an advertisement relating to a bonâ fide medical or scientific treatise, or to a work of recognised literary merit: Provided that 30
the burden of proof as to the literary character of the work or the bonâ fide medical or scientific character of the treatise shall be upon the defendant.

Short title
and com-
mencement.

4. This Act may be cited as the Indecent Advertisements Act, 1909, and shall come into operation on the first day of 35
January nineteen hundred and ten.

Lieutenant-Governor of his own initiative and without previous consultation with his Council to take any action or pass any orders which he was, before the passing of this Act, competent to take or pass, whenever an emergency occurs which, in his opinion, makes the taking of such action or issue of such orders necessary for the maintenance of the public tranquility in any locality.

(5) The proclamation mentioned in sub-clause (1) of this clause, shall, subject to the preceding provisions —

- (1) Determine what powers and duties of the Lieutenant-Governor shall be exercised and performed by the Lieutenant-Governor in Council, and what shall be the powers and duties of the members of any such Council; and
- (2) Make provisions for the appointment of temporary or acting members of Council during the absence of any member from illness or otherwise, and for the procedure to be adopted in case of difference of opinion between the Lieutenant-Governor and his Council, not provided for by sub-clause (3) of this clause, and in the case of equality of votes, and in the case of the Lieutenant-Governor being obliged to absent himself from his Council from any cause.

Indian Councils Bill.

[H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD MACDONNELL.

27th February 1909

PRINTED BY EYRE AND SPOTTISWOOD, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
RYAN and SONS, LTD., Peter Lane, E.C.4, and
35, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[Price 3d.]

(2 b.)

Indian Councils Bill. [H.L.]

[AS AMENDED ON REPORT.]

MEMORANDUM.

The object of this Bill is to amend and extend the Indian Councils Acts, 1861 and 1892, in such a way as to provide—

- (i) for an enlargement of the Legislative Council of the Governor-General and of the existing Provincial Legislative Councils;
- (ii) for the election of a certain proportion of their members by popular vote; and
- (iii) for greater freedom to discuss matters of general public interest and to ask questions at their meetings, and more especially for the discussion of the annual financial statements.

The Executive Councils of the Governments of Madras and Bombay are enlarged, and powers are taken to create Executive Councils in the other Provinces of India, where they now do not exist. Provision is also made for the appointment of Vice-Presidents of the various Councils.

The details of the necessary arrangements, which must vary widely in the different Provinces, are left to be settled by means of regulations to be framed by the Government of India and approved by the Secretary of State.

Indian Councils Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Amendment of constitution of Legislative Councils.
2. Constitution and procedure of Executive Councils of Governors of Fort Saint George and Bombay.
3. Power to constitute provincial executive councils.
4. Appointment of Vice-Presidents.
5. Power to extend business of legislative councils.
6. Power to make regulations.
7. Short title, construction, commencement, and repeal.

SCHEDULES.

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Indian Councils Acts, 1861 and 1892, and the Government of India Act, 1833. A.D. 1909.

BE it enacted by the King'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:—

5 **1.**—(1) The additional members of the councils for the purpose of making laws and regulations (hereinafter referred to as Legislative Councils) of the Governor-General and of the Governors of Fort Saint George and Bombay, and the members of the Legislative Councils already constituted, or which may
10 hereafter be constituted, of the several Lieutenant-Governors of Provinces, instead of being all nominated by the Governor-General, Governor, or Lieutenant-Governor in manner provided by the Indian Councils Acts, 1861 and 1892, shall include members so nominated and also members elected in accordance with regu-
15 lations made under this Act, and references in those Acts to the members so nominated and their nomination shall be construed as including references to the members so elected and their election.

Amendment
of consti-
tution of
Legislative
Councils.

(2) The number of additional members or members so
20 nominated and elected, the number of such members required to constitute a quorum, the term of office of such members and the manner of filling up casual vacancies occurring by reason of absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise, shall, in the
25 case of each such council, be such as may be prescribed by regulations made under this Act:

(12.)

A 2

A.D. 1909.

Provided that the aggregate number of members so nominated and elected shall not, in the case of any Legislative Council mentioned in the first column of the First Schedule to this Act, exceed the number specified in the second column of that schedule. 5

Constitution and procedure of Executive Councils of Governors of Fort Saint George and Bombay.

2.—(1) The number of ordinary members of the councils of the Governors of Fort Saint George and Bombay shall be such number not exceeding four as the Secretary of State in Council may from time to time direct, of whom two at least shall be persons who at the time of their appointment have been in the service of the Crown in India for at least twelve years. 10

(2) If at any meeting of either such council there is an equality of votes on any question, the Governor or other person presiding shall have two votes or the casting vote.

Appointment of Vice-Presidents.

3. The Governor-General, the Governors of Fort Saint George and Bombay respectively, and the Lieutenant-Governor of every Province, shall appoint a member of their respective councils to be Vice-President thereof, and for the purpose of temporarily holding and executing the office of Governor-General or Governor of Fort Saint George or Bombay and of presiding at meetings of Council in the absence of the Governor-General, Governor, or Lieutenant-Governor, the Vice-President so appointed shall be deemed to be the senior member of Council and the member highest in rank, and the Indian Councils Act, 1861, and sections sixty-two and sixty-three of the Government of India Act, 1833, shall have effect accordingly. 20 25

Power to extend business of Legislative Councils.

4.—(1) Notwithstanding anything in the Indian Councils Act, 1861, the Governor-General in Council, the Governors in Council of Fort Saint George and Bombay respectively, and the Lieutenant-Governor or Lieutenant-Governor in Council of every province, shall make rules authorising at any meeting of their respective legislative councils the discussion of the annual financial statement of the Governor-General in Council or of their respective local governments, as the case may be, and of any matter of general public interest, and the asking of questions, under such conditions and restrictions as may be prescribed in the rules applicable to the several councils. 30 35

(2) Such rules as aforesaid may provide for the appointment of a member of any such council to preside at any such discussion in the place of the Governor-General, Governor, or Lieutenant-Governor, as the case may be. 40

[9 EDW. 7.]

Indian Councils.

(3) Rules under this section, where made by a Governor in Council or by a Lieutenant-Governor, shall be subject to the sanction of the Governor-General in Council, and where made by the Governor-General in Council shall be subject to the sanction of the Secretary of State in Council, and shall not be subject to alteration or amendment by the Legislative Council of the Governor-General, Governor, or Lieutenant-Governor.

A.D. 1909.

5. The Governor-General in Council shall, subject to the approval of the Secretary of State in Council, make regulations as to the conditions under which and manner in which persons resident in India may be nominated or elected as members of the Legislative Councils of the Governor-General, Governors, and Lieutenant-Governors, and as to the qualifications for being, and for being nominated or elected, a member of any such council and as to any other matter for which regulations are authorised to be made under this Act, and also as to the manner in which those regulations are to be carried into effect.

Power to make regulations.

6. All regulations and rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

Laying of proclamations, &c. before Parliament.

7.—(1) This Act may be cited as the Indian Councils Act, 1909, and shall be construed with the Indian Councils Acts, 1861 and 1892, and those Acts, the Indian Councils Act, 1869, the Indian Councils, Act, 1871, the Indian Councils Act, 1874, the Indian Councils Act, 1904, and this Act may be cited together as the Indian Councils Acts, 1861 to 1909.

Short title, construction, commencement, and repeal.

(2) This Act shall come into operation on such date or dates as the Governor-General in Council, with the approval of the Secretary of State in Council, may appoint, and different dates may be appointed for different purposes and provisions of this Act and for different councils:

On the date appointed for the coming into operation of this Act as respects any Legislative Council, all the nominated members of the council then in office shall go out of office, but may, if otherwise qualified, be renominated or be elected in accordance with the provisions of this Act.

(3) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

A.D. 1909.

SCHEDULES.

FIRST SCHEDULE.

MAXIMUM NUMBERS OF NOMINATED AND ELECTED MEMBERS OF
LEGISLATIVE COUNCILS.

Legislative Council.	Maximum Number.	
Legislative Council of the Governor-General - - -	60	
Legislative Council of the Governor of Fort Saint George -	50	
Legislative Council of the Governor of Bombay - - -	50	
Legislative Council of the Lieutenant-Governor of the Bengal division of the Presidency of Fort William.	50	10
Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh.	50	
Legislative Council of the Lieutenant-Governor of the Province of Eastern Bengal and Assam.	50	
Legislative Council of the Lieutenant Governor of the Province of the Punjab.	30	15
Legislative Council of the Lieutenant-Governor of the Province of Burma.	30	
Legislative Council of the Lieutenant-Governor of any Province which may hereafter be constituted.	30	20

SECOND SCHEDULE.

A.D. 1909.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 24 & 25 Vict. c. 67.	The Indian Councils Act, 1861.	In section ten the words "not less than six nor more than twelve in number." In section eleven, the words "for the term of two years from the date of such nomination." In section fifteen the words from "and the power of making laws and regulations" to "shall be present." In section twenty-nine the words "not less than four nor more than eight in number." In section thirty, the words "for the term of two years from the date of such nomination." In section thirty-four the words from "and the power of making laws and regulations" to "shall be present." In section forty-five, the words from "and the power of making laws and regulations" to "shall be present."
10		
15		
20		
25 55 & 56 Vict. c. 14.	The Indian Councils Act, 1892.	Sections one and two. In section four the words "appointed under the said Act or this Act" and paragraph (2).

Indian Councils. [H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITULÉD

An Act to amend the Indian Councils Acts, 1861 and 1892, and the Government of India Act, 1833.

Presented by Viscount Morley of Blackburn.

Ordered to be printed 9th March 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
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K. POMONBY, 116, Grafton Street, Dublin.

[Price 13d.]

(12.)

Indian Councils Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED ON THIRD READING

BY

THE LORD MACDONNELL.

Clause 3, page 2, lines 15 and 16, leave out (“and the
“ Lieutenant-Governor of every province”)
lines 21 and 22, leave out (“or Lieutenant-
“ Governor”)

Indian Councils Bill.

[H.L.]

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE LORD MACDONNELL.

11th March 1909.

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E. PONSONBY, 116, Grafton Street, Dublin.

[Price 3d.]

(12 a.)

Indian Councils Bill. [H.L.]

COMMONS AMENDMENTS.

[The references are to the Bill as amended on Report in the House of Lords (No. 12).]

After clause 2, insert the following new clause :

3.—(1) It shall be lawful for the Governor-General in Council, with the approval of the Secretary of State in Council, by proclamation, to create a council in any province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the executive government of the province, and by such proclamation—

Power to constitute provincial executive councils.

- (a) to make provision for determining what shall be the number (not exceeding four) and qualifications of the members of the council; and
- (b) to make provision for the appointment of temporary or acting members of the council during the absence of any member from illness or otherwise, and for the procedure to be adopted in case of a difference of opinion between a Lieutenant-Governor and his council, and in the case of equality of votes, and in the case of a Lieutenant-Governor being obliged to absent himself from his council from indisposition or any other cause.

(2) Where any such proclamation has been made with respect to any province, the Lieutenant-Governor may, with the consent of the Governor-General in Council, from time to time make rules and orders for the more convenient transaction of business in his council, and any order made or act done in accordance with the rules and orders so made shall be deemed to be an act or order of the Lieutenant-Governor-in-Council.

(32.)

(3) Every member of any such council shall be appointed by the Governor-General with the approval of His Majesty, and shall, as such, be a member of the Legislative Council of the Lieutenant-Governor in addition to the members nominated by the Lieutenant-Governor and elected under the provisions of this Act.

Clause 3, page 2, line 16, after (" Bombay ") insert (" and the Lieutenant-Governor of every province ")

line 21, leave out (" or ") and after (" Governor ") insert (" or Lieutenant-Governor ")

Clause 4, page 2, line 30, after (" Lieutenant-Governor ") insert (" or Lieutenant-Governor in Council ")

line 40, at the end of the line insert (" and of any Vice-President ")

page 3, line 2, after (" Lieutenant-Governor ") insert (" or a Lieutenant-Governor in Council ")

Clause 5, page 3, line 17, at the end of the line insert (" Regulations under this section shall not be subject to alteration or amendment by the Legislative Council of the Governor-General ")

Clause 6, page 3, line 18, after (" All ") insert (" proclamations ") and after (" Act ") insert (" other than rules made by a Lieutenant-Governor for the more convenient transaction of business in his Council ")

Indian Councils Bill.
[H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 27th April 1909.

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E. TUNSONARY, 116, Grattan Street, Dublin.

[Price 3d.]

(32.)

Indian Councils Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED

ON CONSIDERATION OF

COMMONS' AMENDMENTS

BY

THE EARL OF CROMER.

Commons' amendment:—

After clause 2, insert the following new clause:—

1 **3.**—(1) *It shall be lawful for the Governor-General in Council, with the approval of the Secretary of State in Council, by proclamation, to create a council in any province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the executive government of the province, and by such proclamation—*

Power to constitute provincial executive councils.

- (a) *to make provision for determining what shall be the number (not exceeding four) and qualifications of the members of the council; and*
- 10 (b) *to make provision for the appointment of temporary or acting members of the council during the absence of any member from illness or otherwise, and for the procedure to be adopted in case of a difference of opinion between a Lieutenant-Governor and his council, and in the case of equality of votes, and in*
- 15 *the case of a Lieutenant-Governor being obliged to absent himself from his council from indisposition or any other cause.*

20 (2) *Where any such proclamation has been made with respect to any province, the Lieutenant-Governor may, with the consent of the Governor-General in Council, from time to time*

(32 a.)

[OVER

consent of the Governor-General in Council, from time to time make rules and orders for the more convenient transaction of business in his council, and any order made or act done in accordance with the rules and orders so made shall be deemed
25 *to be an act or order of the Lieutenant-Governor in Council.*

(3) *Every member of any such council shall be appointed by the Governor-General with the approval of His Majesty, and shall, as such, be a member of the Legislative Council of the Lieutenant-Governor in addition to the members nominated by*
30 *the Lieutenant-Governor and elected under the provisions of this Act.*

The Lord MacDonnell proposes to amend this clause as follows, viz. :—

After subsection (3) to insert (“ Provided always, and be
“ it enacted, that it shall be lawful for the Governor-
“ General in Council, with the approval of the Secretary
“ of State in Council, to revoke, or to suspend so often
“ and for such periods as the said Governor-General in
“ Council shall in that behalf direct, the appointment
“ of councils in all or any of the said provinces under
“ Lieutenant-Governors or a Lieutenant-Governor, or to
“ reduce the number of councillors in all or any of the
“ said councils; and during such time as a council shall
“ not be appointed or shall be suspended in any province
“ under a Lieutenant-Governor, the executive government
“ thereof shall be administered by the Lieutenant-Governor
“ alone.”)

Indian Councils Bill.
[H.L.]

AMENDMENT
TO BE MOVED
ON CONSIDERATION OF
COMMONS' AMENDMENTS
BY
THE LORD MACDONNELL.

3rd May 1909.

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(32 c.)

Irish Land Bill.

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A

B I L L

INTITULED

An Act to amend the Law relating to the Occupation A.D. 1909.
and Ownership of Land in Ireland, and for other
purposes relating thereto.

BE it enacted by the King'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:—

5

PART I.

LAND PURCHASE FINANCE.

1.—(1) In the case of advances made in pursuance of future
purchase agreements, three pounds ten shillings shall be sub-
stituted for three pounds five shillings as the rate of the purchase
10 annuity under section forty-five of the Irish Land Act, 1903 (in
this Act referred to as the Act of 1903).

Alteration of
amount of
purchase an-
nuity and of
rate of inte-
rest payable
to National
Debt Com-
missioners.
3 Edw. 7.
c. 37.

(2) So far as respects advances made for future purchase
agreements, the rate of interest to be paid by the Land Com-
mission to the National Debt Commissioners under section
15 thirty-six, and by the Congested Districts Board to the Land
Commission under section seventy-two of the Act of 1903, shall
be three per cent. per annum, instead of two-and-three-quarters
per cent. per annum.

(3) The National Debt Commissioners shall, in the accounts
20 kept by them of the Irish Land Purchase Fund, distinguish
between advances made in pursuance of pending purchase
agreements and advances made in pursuance of future purchase
agreements.

2.—(1) The power of the Treasury to create stock for the
25 purpose of raising money required for the Irish Land Purchase
Fund (including the Land Purchase Aid Fund) shall include
Power to
raise new
guaranteed
three per
cent. stock,

A.D. 1909.
and pro-
vision as to
investment
by savings
bank de-
positors in
stock.

power to create a new capital stock to be called guaranteed three per cent. stock, and the Treasury may at any time create for that purpose either guaranteed two-and-three-quarters per cent. stock or guaranteed three per cent. stock as they think fit.

(2) The provisions of the Act of 1903, relating to stock 5 shall apply to guaranteed three per cent. stock created under this section as they apply to the guaranteed two-and-three-quarters per cent. stock created under that Act, with the substitution of three per cent. for two-and-three-quarters per cent. as the rate of dividend, and of thirty years from the passing of this Act for 10 thirty years from the commencement of the Act of 1903, as the period after the expiration of which the stock is redeemable.

56 & 57 Vict.
c. 69.

(3) The definition of Government stock in subsection (2) of section five of the Savings Bank Act, 1893, shall be read as if stock issued under the Act of 1903 or this Act were included 15 in the First Schedule to the said Savings Bank Act, 1893.

Power to
make ad-
vances by
guaranteed
stock under
certain cir-
cumstances.

3.—(1) Notwithstanding anything in section twenty-seven of the Act of 1903, advances for the purposes of the Land Purchase Acts may, subject to the provisions of this section, be made in whole or in part by means of stock in the manner and under 20 the circumstances for which provision is made by this section.

(2) For the purpose of carrying into effect pending purchase agreements advances may, if the vendor agrees, be made by means of the issue to the prescribed persons, in the prescribed manner, and subject to the prescribed conditions, of such an 25 amount of guaranteed two-and-three-quarters per cent. stock, as, at the market price of the day of issue (as certified in the prescribed manner) is equivalent to the sum to be advanced if that price is not below ninety-two pounds (ex-dividend) for an amount of stock of the nominal value of a hundred pounds, or 30 if the stock is below that price by the issue of such an amount of stock as would be equivalent to the sum to be advanced if the stock were at that price.

(3) For the purpose of carrying into effect future purchase agreements advances may, if the Treasury think fit so to direct, 35 be made by means of the issue of an amount of guaranteed three per cent. stock equal in nominal amount to the sum to be advanced and carrying dividends as from the date of the advance.

(4) Stock issued in pursuance of this section as the equivalent of an advance shall, as between the vendor and the purchaser, be 40 accepted by the vendor as the equivalent of the corresponding amount of purchase money, and a vendor, although he is not an

[9 Edw. 7.]

Irish Land.

3

absolute owner, may agree to advances being made by stock under this section for the purpose of carrying out any pending purchase agreements, and any person having power to sell under the Land Purchase Acts, although he is not an absolute owner, 5 may enter into any future purchase agreement, notwithstanding that the purchase money may be payable in stock in pursuance of this section instead of in cash.

A.D. 1909.

4.—(1) Any money which may be raised by the creation of stock under the Act of 1903 or this Act may be temporarily raised 10 by the issue of bills or bonds in such form and for such period not exceeding seven years, and bearing such rate of interest not exceeding three per cent. as the Treasury may determine.

Temporary borrowing by bills or bonds.

(2) The interest on or in respect of any such bills or bonds shall be charged and paid in the same manner as the dividends 15 on stock under section twenty-nine of the Act of 1903, and the provisions of that Act respecting the income account of the Irish Land Purchase Fund shall apply as if the interest on or in respect of the bills or bonds were dividends on stock.

(3) The principal money of any such bills or bonds shall, 20 subject to the provisions of this Act, be repaid out of the Irish Land Purchase Fund, and, if the Capital Account of that Fund is insufficient, shall be charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Stock or fresh bills or bonds may be issued for the purpose 25 of raising the principal money required when necessary.

(4) Subsections (6) and (7) of section thirty-six of the Act of 1903 (which relate to the deficiency arising from the issue of stock at a discount and the surplus arising from the issue of stock at a premium), shall apply in the case of the issue of bills or bonds 30 under this section as they apply in the case of the issue of stock.

5.—(1) The percentage payable under section forty-eight of the Act of 1903 shall be calculated at the rates specified in the First Schedule to this Act, and for the purposes of that section the percentage at the rates so specified shall be deemed to be 35 the percentage under that section:

Amendment of provisions as to percentage.

Provided that the percentage payable on the purchase money of an estate, which consists of or includes lands in respect of which there are purchase agreements entered into or deemed in pursuance of this section to have been entered into on or before 40 the twenty-fourth day of November nineteen hundred and eight shall (so far as the percentage is payable in respect of the purchase of those lands) be calculated at the rate of twelve per cent. instead of being calculated under this section.

- A.D. 1909. — (2) An agreement for the purchase of any estate or land, though not entered into on or before the twenty-fourth day of November nineteen hundred and eight, shall be deemed, for the purposes of this section, to be a purchase agreement entered into on or before that date, where on or before that date— 5
- (a) the vendor has lodged an originating request in manner provided by rules made under the Act of 1903 with a view to the purchase of the estate or land by the Land Commission under section six of that Act or by the Congested Districts Board under section seventy-nine of that Act; or 10
- (b) the vendor has accepted a preliminary estimate of price made by the Land Commission with a view to the purchase of the estate or land under sections six or eight of the Act of 1903, or entered into a preliminary agreement with the Congested Districts Board with a view to the purchase of the estate or land under section seventy-nine of that Act; or 15
- (c) the Land Judge in the course of proceedings in which the estate or land is eventually sold to the Land Commission under section seven, or to the Congested Districts Board under section seventy-seven of the Act of 1903, has caused the Commission or Board to be furnished with particulars and documents respecting the estate or land in pursuance of either of these sections; or 20 25
- (d) the Estates Commissioners have made an offer for the purchase of the estate or land under subsection (4) of section two of the Evicted Tenants (Ireland) Act, 1907. 30
- (3) So much of section forty-seven of the Act of 1903 as limits the total of the sums payable to the Land Purchase Aid Fund to twelve million pounds shall cease to have effect.

Provision as to making good deficiency in respect of stock issued at a discount.

6.—(1) The charge on the Guarantee Fund for any deficiency in respect of the issue of stock or bills or bonds at a discount shall extend only to the amount of the Ireland Development Grant which forms part of the cash portion of that fund; and the deficiency, so far as is not made good out of that amount, shall be made good out of moneys provided by Parliament. 35

(2) Any deficiency in respect of interest or sinking funds arising by reason of money being raised by means of three per cent. stock for the purpose of advances in respect of which interest is payable by the Land Commission to the National Debt Commis- 40

5 sioners at the rate of two-and-three-quarters per cent. only shall be made good in the same manner as a deficiency arising in respect of the issue of stock at a discount is to be made good under subsection (6) of section thirty-six of the Act of 1903, as amended by this section. A.D. 1909.

7.—(1) Where stock is created for the purposes of the Land Purchase Acts, and issued under conditions which provide that the money to be raised thereby shall be paid up by instalments, dividends may be paid on the total nominal amount of the stock from any date fixed at the time of issue, although the instalments, or some or one of them, may not have been payable until after that date; and if the amount so paid by way of dividend exceeds the sum which would have been payable on the portion of the stock representing the money actually paid up, the difference shall be treated as part of the expenses of the issue of the stock. Bonus dividend to be treated as expenses of issue of stock.

(2) This section shall apply to any stock created and issued since the first day of July nineteen hundred and eight, as well as to stock issued after the passing of this Act.

8.—(1) Any person to whom an advance is made after the passing of this Act shall pay on the first gale day on which any payment in respect of the advance is due (in addition to the interest, or instalment of purchase annuity, due on that day), interest on the advance in respect of the period between the said gale day and the day on which the next dividends are payable in respect of the stock issued under the Act of 1903 or this Act. Advance dividend.

(2) The interest payable shall be at the rate at which the Land Commission pay interest to the National Debt Commissioners in respect of the advance, and shall be recoverable as if it were part of the purchase annuity.

9.—(1) The exemption from stamp duty given by section twenty-three of the Labourers (Ireland) Act, 1906, shall extend to any stamp duty payable on any mortgage or other security given by a rural district council in respect of an advance by the Irish Land Commission under section sixteen of that Act, or payable under section eight of the Finance Act, 1899, in respect of such an advance as being loan capital within the meaning of that section. Remission of stamp duty. 6 Edw. 7. c. 37.

(2) The Commissioners of Inland Revenue may remit any such duty which has become payable since the commencement of the Labourers (Ireland) Act, 1906, and return any such duty which has been paid since that date and before the passing of this Act.

A.D. 1909.

(3) The exemption from stamp duty under section fifty of the Act of 1903 shall extend to any instruments the stamp duty on which is payable as expenses of the Land Commission in the same manner as it applies to the instruments mentioned in that section.

Repayment
of advances
under
Labourers
(Ireland)
Act, 1906.
6 Edw. 7.
c. 37.

10.—(1) Advances made under section sixteen of the Labourers (Ireland) Act, 1906 (which are by virtue of that section repayable in like manner as advances under the Land Purchase Acts), shall whether made before or after the passing of this Act be repayable in like manner as advances made in pursuance of pending purchase agreements, and as respects all such advances the rate of interest paid by the Land Commission to the National Debt Commissioners shall be two-and-three-quarters per cent. per annum. 5

(2) The payment charged on the Ireland Development Grant under section seventeen of the Labourers (Ireland) Act, 1906, shall, so far as that grant is insufficient to meet the payment, be defrayed out of moneys provided by Parliament instead of being charged upon that grant. Provided that the total amount of the payment to be charged on the said grant, or to be defrayed out of moneys provided by Parliament, shall not exceed twenty-eight thousand pounds in any year. 15 20

Substituted
agreements.

11.—(1) Where by reason of the death of the purchaser or the transmission of the purchaser's interest in a holding, or in pursuance of a declaration of the Land Commission under section fifteen of the Act of 1903 with respect to a sub-tenancy or a subdivided holding, a fresh purchase agreement is entered into in substitution for an original purchase agreement previously made, any such fresh agreement shall, for the purposes of this Part of this Act, be deemed to be substituted for the original agreement, and, whenever lodged with the Land Commission, to have been lodged with the Land Commission at the date on which the original agreement was so lodged. 25 30

(2) Where a vendor at the request of the Land Commission enters into an agreement with the Land Commission or the Congested Districts Board for the sale to them of an estate consisting of or including lands, which he has proposed to sell to persons other than that Commission or Board and in respect of which purchase agreements have been lodged with the Land Commission on or before the twenty-fourth day of November nineteen hundred and eight, the percentage payable on the purchase money of the estate, or on that portion thereof which represents the purchase money of those lands (in the case of an estate comprising other lands) shall so far as the purchase money or the portion of the purchase money is not in excess of 35 40

[9 EDW. 7.]

Irish Land.

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the aggregate of the purchase money fixed by the original agreements be calculated in the like manner and the purchase annuities payable on the re-sale of those lands shall be payable at the like rate as if the agreement for the sale of the estate had been entered into on or before the twenty-fourth day of November nineteen hundred and eight.

A.D. 1909.

12. In this Part of this Act, unless the context otherwise requires,—

Interpretation.

10 (a) The expression “pending purchase agreements” means agreements lodged with the Land Commission on or before the fifteenth day of September nineteen hundred and nine, or entered into on or before that date by or with the Land Commission or the Congested Districts Board ;

15 (b) The expression “future purchase agreements” means agreements lodged with the Land Commission or entered into by the Land Commission or the Congested Districts Board after that date :

20 Provided that purchase agreements entered into at any time on the re-sale by the Land Commission or Congested Districts Board—

(i) of land purchased or agreed to be purchased by them on or before the fifteenth day of September nineteen hundred and nine ; or

25 (ii) of land being land in respect of which or comprised in an estate in respect of which a purchase agreement, though not actually entered into on or before the twenty-fourth day of November nineteen hundred and eight, is deemed for the purposes of the provisions of this Part of this Act relating to the percentage payable under the Act of 1903, to have been entered into on or before that date ;

30 shall be treated for the purposes of this Part of this Act as pending purchase agreements and not as future purchase agreements ;

35 (c) An order of the Land Judge under section seven or section seventy-seven of the Act of 1903 vesting any land in the Land Commission or the Congested Districts Board, and an order of the Estates Commissioners vesting land in the Land Commission under section two of the Evicted Tenants (Ireland) Act,

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(177.)

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7 Edw. 7.
c. 56.

A.D. 1909.

1907, shall for the purposes of this Part of this Act be treated as an agreement entered into by that Commission or Board as the case may be ;

(d) The expression "prescribed" means prescribed by the Treasury. 5

Power to make rules.

13. The power of making rules conferred on the Treasury by the Land Purchase Acts shall extend to the making of rules for carrying the provisions of this Part of this Act into effect, and for adapting to the requirements of this Act such provisions of the Land Purchase Acts or any other enactment passed prior to this Act as relate to land purchase finance. 10

PART II.

LAND PURCHASE.

Exclusion from provisions as to zones.

14.—(1) Where after the passing of this Act application is made under subsection (1) of section one of the Act of 1903 for an advance of the whole purchase money of any holding, if the Land Commission are satisfied that circumstances exist which, in their opinion, necessitate inquiry as to the security for the advance or the equity of the price, they may by order declare that the provisions of the said subsection shall not apply, and may deal with the application accordingly in like manner as if those provisions had not been complied with. 15 20

(2) The Judicial Commissioner and the Estates Commissioners may make rules under section twenty-three of the Act of 1903 providing for the furnishing of such particulars with respect to rent and arrears and of such information with regard to the estate as may appear necessary for the purposes of this section and for the verification of the particulars and information in such manner as they think fit. 25

Limitation on amount of advances to tenant purchasers.

15.—(1) No advance exceeding the sum of three thousand pounds shall be sanctioned under the Land Purchase Acts to any tenant in pursuance of an agreement for the purchase of a holding entered into after the passing of this Act unless— 30

(a) the tenant resides on the holding, or such holding is ordinarily used with the holding on which the tenant resides ; or 35

(b) a substantial portion of the holding has been tilled in each of the five years next preceding the date of the agreement

and the Land Commission consider that an advance of a larger amount not exceeding five thousand pounds may properly be sanctioned. 40

[9 Edw. 7.]

Irish Land.

9

(2) A person shall be deemed to reside on a holding within the meaning of this section if he occupies a house in the immediate neighbourhood for the purpose of working or managing the holding. A.D 1909.

5 (3) Section two of the Purchase of Land (Ireland) Amendment Act, 1888, and subsection (4) of section one of the Act of 1903, shall cease to have effect save as regards advances in pursuance of purchase agreements entered into before the passing of this Act. 51 & 52 Vict.
c. 49.

10 **16.**—(1) No advance shall be made under the Land Purchase Acts in respect of the purchase of a holding if the tenancy was created after the first day of January in the year nineteen hundred and eight. Prohibition
of advance.

(2) This section shall not apply to tenancies created by the Land Commission or by the Congested Districts Board.

15 **17.**—(1) In the case of the sale of an estate to the Land Commission advances under the Land Purchase Acts may be made for the purchase of parcels thereof by the following persons:— Advances for
purchase of
parcels of
land.

(a) A person being the tenant or proprietor of a holding not exceeding ten pounds in rateable value;

20 (b) A person being the son of a tenant or proprietor of a holding on or in the neighbourhood of the estate not exceeding thirty pounds in rateable value;

(c) A person who has surrendered his holding for the purpose of relieving congestion;

25 (d) A person who within twenty-five years before the passing of the Act of 1903, was the tenant of a holding to which the Land Law Acts apply, and who is not at the date of the purchase the tenant or proprietor of that holding, or in case such person is dead, a person nominated by the Land Commission as his personal representative; and

30 (e) Any person to whom in the opinion of the Land Commission after considering the requirements of persons mentioned in the preceding paragraphs of this subsection an advance ought to be made.

35 (2) Advances under this section shall not, together with the amount (if any) of any advance under the Land Purchase Acts, which has been made and is then unrepaid by the purchaser, or for which an application by the purchaser is pending, exceed
40 one thousand pounds: Provided that the limitation in this subsection may, subject to the other limitations in the Land Purchase Acts, be exceeded, where the Land Commission consider

A.D. 1909. — that a larger advance may be sanctioned, to any purchaser without prejudice to the wants and circumstances of other persons residing in the neighbourhood.

(3) The Land Purchase Acts shall, subject to the provisions of this section, apply to the sale of a parcel of land in pursuance 5 of this section in like manner as if the same was a holding and the purchaser was the tenant thereof at the time of his making the purchase; and the expression "holding" in those Acts shall include a parcel of land in respect of the purchase of which an advance has been made in pursuance of this section. 10

(4) Section two of the Act of 1903 shall cease to have effect save as regards the sale of any parcels of land in respect of which purchase agreements have been entered into before the passing of this Act, and save as aforesaid any reference in any enactment to that section shall be construed as a reference to this section. 15

Trustees for
the purposes
of turbarry,
pasture, &c.

18.—(1) It shall be lawful for the Department of Agriculture and Technical Instruction for Ireland, or the council of any county or of any rural district, to purchase any parcel of an estate under section four of the Act of 1903 for any of the purposes mentioned in that section, and the said Department or any such council, or 20 any other body corporate having power to acquire land, may act as trustees for those purposes, and may obtain advances for the purchase.

(2) Where any land is purchased by the said Department or a county council or rural district council under this section, the scheme for the user of the land mentioned in section twenty of the Act of 1903 shall be framed or approved of by the Department and the requirements of that section with regard to the framing or approval of the scheme by the Lord Lieutenant shall not apply. 25

(3) Where land is purchased by a county council or rural 30 district council under this section, the amounts required for payment of the instalments of the purchase annuity shall be raised in the case of the county council as a county at large charge, and in the case of the rural district council as a district charge.

(4) It is hereby declared that the provisions of section four 35 and of section twenty of the Act of 1903, as amended by this section, apply as well in the case of the sale of an estate to the Congested Districts Board as in the case of the sale of an estate to persons other than the Congested Districts Board.

Facilities for
the planting
and preser-
vation of
woods.

19.—(1) Where a parcel of an estate is purchased or proposed 40 to be purchased by trustees under section four of the Act of 1903 for the purpose of the planting of trees or the preservation of

woods or plantations, and the parcel is subject to any grazing rights or easements appurtenant to holdings on the estate, the Land Commission may, if they think fit, on the application of the trustees, make an order releasing that parcel from all or any of
 5 those rights and easements upon such terms as to compensation and otherwise as may be agreed upon by the parties interested or, in default of agreement, may be determined by the Land Commission; and any such order shall be effectual to release the parcel
 10 therein specified.

A.D. 1909.

(2) Where any land is resold to the owner of an estate in pursuance of section three or section seventy-six of the Act of 1903, and the land is subject to any such rights or easements as aforesaid, the Land Commission may on the application of the
 15 owner exercise the powers conferred on them by the last preceding subsection as regards those rights and easements, if and so far as they are satisfied that the land, or portion thereof, is required by the owner for any of the said purposes.

20 **20.**—(1) The Land Commission in determining under subsection (2) of section one or under section five of the Act of 1903 whether the agreed price of a holding is equitable shall have regard to the respective interests of the landlord and tenant in the holding and in the improvements thereon, and the price shall not be deemed to be equitable if it appears to the Land Com-
 25 mission that any substantial part thereof represents the value of improvements made by the tenant or his predecessors in title for which he or they have not been paid or compensated by the landlord or his predecessors in title.

Equitable price of holdings.

(2) Any question which may arise under this section
 30 as to—

(a) whether an improvement was or was not made by the tenant or his predecessors in title; or

(b) whether the tenant or his predecessors in title have or have not been paid or compensated for any improve-
 35 ment;

may (subject and without prejudice to any previous determination under the Land Law Acts) be determined by the Land Commission, who may, in their discretion, refer the question to a Legal Assistant Commissioner, and the determination of the Land Commission or
 40 such Commissioner, as the case may be, shall be final.

A.D. 1909.
Congested
estates.

21.--(1) In subsection (5) of section six of the Act of 1903 (which defines a congested estate) "ten pounds" shall be substituted for "five pounds"; and the consent of the owner required by subsection (4) of that section shall cease to be required.

(2) Where an estate not being a congested estate within the meaning of the said section as so amended, comprises within its area one or more congested townlands, the Land Commission, or in the case of townlands situated in a congested district county, the Congested Districts Board, may declare all or any one or more of such townlands to be a separate estate for the purposes of the Land Purchase Acts, and such townland or townlands shall thereupon be deemed for those purposes to be a separate congested estate.

(3) An estate which consists exclusively of one or more congested townlands shall be deemed to be a congested estate.

(4) The expression "congested townland" means a townland in which more than one half of the holdings are—

(a) congested holdings; or

(b) holdings whose aggregate rateable value when divided by their number gives a sum of less than ten pounds for each holding:

The expression "congested holding" means—

(a) a holding not exceeding ten pounds in rateable value; and

(b) a holding held in rundale or intermixed plots.

Powers for
facilitating
re-sales.
1 Edw. 7.
c. 34.

22. The powers for facilitating re-sales conferred on the Congested District Board by section one of the Congested Districts Board (Ireland) Act, 1901, and on the Land Commission by section twelve of the Act of 1903, may be exercised whether the request mentioned in the said section one or in section eighty-two of the Act of 1903 is or is not made.

Power of
Land Com-
mission to
determine
disputes
between
tenants of
holdings.

23. The powers of the Land Commission under section twenty-two of the Act of 1903 to determine disputes between proprietors of holdings may be exercised on the application, in the prescribed manner, of any tenants on an estate in respect of which purchase agreements have been entered into or negotiations for sale are pending, and the provisions of that section shall apply accordingly in like manner as if the tenants were proprietors of holdings.

24.—(1) When an estate is purchased or agreed to be purchased by the Land Commission or the Congested Districts Board, any person having power under the Land Purchase Acts to enter into an agreement for the purchase of a holding on 5 the estate shall have power in the prescribed manner to enter into an agreement with the Land Commission or the Congested Districts Board, as the case may be, for the exchange of the holding for any other holding which is in the opinion of the Commission or the Board of not less value than the original 10 holding and to surrender the original holding to the Commission or the Board accordingly.

A.D. 1909.
Power to
exchange
tenancies.

(2) Upon the surrender of a holding by any person under this section all charges, liabilities, and equities affecting the tenant's interest in the holding shall, without any conveyance 15 or order, be transferred to the interest acquired by that person in the new holding.

(3) The lands comprised in the original holding shall, notwithstanding the surrender of the holding, continue to be subject to all easements and profits a prendre to which they were subject 20 at the time of the surrender.

(4) For the purpose of any application or order under subsection (6) of section one of the Congested Districts Board (Ireland) Act, 1901, with respect to charges, liabilities, and equities affecting the tenant's interest in a holding, it shall not 25 be necessary to specify the several charges, liabilities, and equities, or any of them.

1 Edw. 7.
c. 34.

(5) When a holding to which any charges, liabilities, or equities have been transferred, whether under this section or under section one of the Congested Districts Board (Ireland) Act, 1901, is sold under the Land Purchase Acts, the particulars to be 30 transmitted to the registering authority pursuant to section thirty-two of the Act of 1896 shall include particulars of the original holding from which the charges, liabilities, or equities have been transferred, and where the registering authority in any such case 35 dispenses with the ascertainment of burdens, the note which he is required to make under subsection three of section twenty-nine of the Local Registration of Title (Ireland) Act, 1891, shall contain such modifications or additions as may be necessary for the purpose of protecting any transferred charges, liabilities, or equities.

54 & 55 Vict.
c. 66.

25. Where the tenant of any holding charged with the payment of any moneys expended or to be expended by the Land Commission or the Congested Districts Board in erecting 40

Amend-
ment of
59 & 60 Vict.
c. 47. s. 35.

- A.D. 1909. or improving buildings on the holding enters into an agreement with the Commission or the Board for the purchase of the holding under the Land Purchase Acts, he shall not by reason of anything contained in section thirty-five of the Act of 1896 be discharged from liability in respect of that charge. 5
- Certain powers and duties of Land Commission to be exercised by Estates Commissioners. **26.** The jurisdiction, powers and duties of the Land Commission under the foregoing provisions of this Part of this Act shall be exercised and performed exclusively by the Estates Commissioners.
- Delegation of powers of Estates Commissioners. **27.** The Estates Commissioners may, by order, delegate all 10 or any of their powers to any one or two of their number, and anything done by any one or two of the Estates Commissioners in pursuance of any such delegation shall be as valid and effectual as if it were done by all the Estates Commissioners.
- Investment of purchase-money on sales to Land Commission. **28.** Where an estate is vested in the Land Commission by 15 a vesting order made by them, the purchase-money may be paid into the Bank of Ireland and invested in like manner as if the estate had been sold to persons other than the Land Commission, and the provisions of subsection three of section twenty-four of the Act of 1903, shall apply in the case of every 20 sale to the Land Commission where the purchase money has been invested under this section.
- Restriction on amount expended by Land Commission on purchase of congested estates. **29.** Without prejudice to any restriction under subsection (2) of section nine of the Act of 1903, the Land Commission shall not 25 in any one year enter into agreements for the purchase of congested estates which will involve, according to their estimates, a total loss on the re-sale of the estates of a greater sum than that which may be fixed by the Treasury for that year.
- Provision of money for expenditure on improvements by Land Commission, and closing of reserve fund. **30.**—(1) When the reserve fund established under paragraph (b) of subsection (2) of section five of the Act of 1891 is 30 exhausted, any money required by the Land Commission for the exercise of their powers under subsection (1) of section twelve of the Act of 1903 shall, up to an amount approved by the Treasury in each year, be paid out of moneys provided by Parliament. (2) The said reserve fund shall, when it is exhausted, cease 35 to exist as a separate fund, and any sums which under any Act or otherwise are to be paid into that reserve fund, shall be paid into the Exchequer.
- Provision as to money spent by Land Com- **31.**—(1) Regulations made by the Treasury may provide 40 that where the Land Commission have expended money on the improvement of an estate purchased by them, and on the re-sale

of the estate the sums realised by them exceed the sum originally advanced from the Irish Land Purchase Fund for the purchase of the estate, the National Debt Commissioners may advance to the Land Commission a sum equal to the excess, or if that sum exceeds the amount expended by the Land Commission on the improvements, a sum equal to the amount so expended, for repayment to the reserve fund if that fund has not been exhausted, and if that fund has been exhausted, for repayment to the Exchequer.

A.D. 1909.
mission on
improvements of
estates purchased by
them.

(2) Where the amount realised by the Land Commission on the re-sale of a congested estate, or of an estate not being a congested estate on the improvement of which the Land Commission have expended money, is less than the sum originally advanced from the Irish Land Purchase Fund for the purchase of the estate, the deficiency in the case of a congested estate, and in the case of an estate not being a congested estate, so much of the deficiency as does not exceed the amount so expended on improvements, shall be charged or remain charged, as the case requires, upon the reserve fund, if that fund has not been exhausted, and if that fund has been exhausted, or so far as that fund is not sufficient for the purpose, shall be paid out of moneys provided by Parliament, and credited in manner directed by the Treasury to the Irish Land Purchase Fund.

(3) Subsection (3) of section forty-three of the Act of 1903 shall cease to have effect.

32.—(1) Where the Land Commission deem it expedient to expend any money on the improvement of a holding sold or agreed to be sold by a landlord to a tenant, they may, in accordance with regulations to be made by the Treasury, enter into an agreement with the tenant for the repayment of the money so expended in the same manner as if such money was advanced under the Land Purchase Acts for the purchase of the holding, and the said money shall be repaid by an additional annuity accordingly.

Expenses
of improve-
ments by
Land Com-
mission on
land sold by
landlord to
tenant.

(2) So far as circumstances admit the additional annuity shall in accordance with regulations to be made by the Treasury be consolidated and made payable with the purchase annuity.

(3) Regulations made by the Treasury may provide that where the repayment of any money expended by the Land Commission is secured by an additional annuity under this section, the National Debt Commissioners may advance to the Land Commission the said money for repayment to the reserve fund

A.D. 1909. if that fund has not been exhausted, and if that fund has been exhausted, for repayment to the Exchequer.

Amendment
of 3 Edw. 7.
c. 37. s. 48
(4).

33. For the purposes of subsection (4) of section forty-eight of the Act of 1903, an estate shall be deemed to be so circumstanced that it would, independently of the Act of 1896, be sold without the consent of the owner as to price if the consent of the person who is owner would not be required in his capacity as owner, notwithstanding that his consent might be required in the capacity of incumbrancer or some other capacity.

Amendment
of 3 Edw. 7.
c. 37. s. 54.

34.—(1) As between the Land Commission and the proprietor for the time being of any holding for the purchase of which the Land Commission have, after the passing of this Act, made any advance under the Land Purchase Acts, the following conditions shall be imposed in addition to the conditions mentioned in section fifty-four of the Act of 1903, namely :—

(a) The proprietor shall not without the consent of the Land Commission acquire by purchase any other holding for the purchase of which an advance has been made under the Land Purchase Acts if the amount of that advance then outstanding, when added to the amount of the advance or advances made in respect of the holding or holdings then held by the proprietor, would exceed the sum of five thousand pounds, and if any proprietor acquires any holding in violation of this condition the Land Commission may cause that holding to be sold :

(b) The proprietor shall not, without the consent in writing in the prescribed form of the Department of Agriculture and Technical Instruction for Ireland, cut down or uproot, or permit to be cut down or uprooted, any tree (other than a fruit tree or osier) upon the holding which is necessary for the ornament or shelter of the holding ; and if any such tree is cut down or uprooted in violation of this condition, the proprietor shall be guilty of an offence under this Act and shall be liable on summary conviction to a penalty not exceeding five pounds for each tree so cut down or uprooted, unless he satisfies the Court that he received the prescribed consent.

(2) Where, after the passing of this Act, a tenant enters into an agreement for the purchase of his holding under the said

Acts, the foregoing condition with respect to the cutting and uprooting of trees shall, as from the date of the agreement, apply to the holding in like manner as if the advance had been made unless and until the application for an advance is refused or
5 withdrawn.

(3) Subsection (2) and subsection (3) of section thirty of the Act of 1881, as amended by any enactment, shall apply to any sale by the Land Commission under this section.

(4) When the whole of the advance made for the purchase
10 of a holding under the Land Purchase Acts has been repaid, the conditions imposed by this section, or by section fifty-four of the Act of 1903, shall cease to have effect as regards the holding or the proprietor thereof.

35. The Land Commission, where interest on the purchase-
15 money of any holding is payable to them, shall have for the recovery of such interest the same remedies as they have for the recovery of unpaid instalments of a purchase annuity, and in addition and without prejudice to those remedies, may, if they think fit, exclude from the estate any holding in respect of the
20 purchase-money of which one year's interest is in arrear.

36. The provisions of subsection (2) of section sixty-nine of the Act of 1903 (relative to the appointment by the Land Commission of an administrator of a deceased applicant for an advance) shall apply in any case where the applicant dies before
25 the advance is made.

37. Where interest on the purchase money of any land agreed to be sold under the Land Purchase Acts is payable—
30 (a) to the Land Commission under section thirty-five of the Act of 1896; or
(b) by the Land Commission or Congested Districts Board under section eighteen of the Act of 1903 as extended by this Act,

the owner of any superior or intervening interest or any incumbrancer may at any time before the land is vested in the purchaser
35 or purchasers apply to the Land Commission for an order that payment in respect of the annual income of his claim be made to him out of the interest on the purchase money, and in such case the Commission, if they are satisfied that the justice of the case so requires, may make the order accordingly.

38.—(1) The powers conferred on the Land Commission by
40 section one of the Irish Land Act, 1907, for the purpose of the disposal of the mining rights mentioned in that section shall

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Recovery of interest.

Extension of 3 Edw. 7. c. 37. s. 69 (2).

Payments out of interest on purchase money before vesting.

Amendment of 7 Edw. 7. c. 38.

A.D. 1909. — include a power to demise such rights to any person by way of take note or prospecting lease for any term not exceeding two years, at such rent and upon such conditions as the Land Commission think proper, with an option to the lessee to take a reversionary lease upon the like or such other terms as may be 5 agreed on.

(2) On any demise under the said Act of 1907 as amended by this section a royalty rent variable according to the price or value of the minerals gotten, or a fixed rent or both may be reserved to the Land Commission. 10

(3) It shall not be obligatory upon the Land Commission to publish the advertisement mentioned in subsection (5) of section one of the said Act on granting any such reversionary lease if an advertisement has been published pursuant to that subsection before the execution of the take note or prospecting 15 lease.

Powers of investment.

39.—(1) Where any land purchased by means of an advance under the Land Purchase Acts is settled land within the meaning of the Settled Land Acts, 1882 to 1890, the trustees of the settlement may, on the request of the tenant for life, notwithstanding anything in the settlement to the contrary, invest the purchase money, or any part thereof, in the following manner (that is to say):— 20

(a) With the sanction of the Public Trustee—

(i) in any of the public stocks or funds or Government 25 securities of any foreign government or state, or

(ii) in the mortgages, bonds, debentures, or debenture stock of any railway in the United States of America, Mexico, the Argentine Republic, or Canada, which has, during each of the five 30 years last past before the date of investment, paid a dividend on its preference stock (if any) or its ordinary stock;

(b) and without such sanction—

(i) in the mortgages, bonds, debentures, or debenture 35 stock of any railway company in the United Kingdom incorporated by special Act of Parliament which has, during each of the five years last past before the date of investment, paid a dividend on its preference stock (if any) 40 or its ordinary stock, or in the preference stock

of any such railway company which has, during a like period, paid a dividend on its ordinary stock ; A.D. 1909.

5 (ii) in the stocks or shares of any tramway or light railway, dividends upon which are guaranteed under the Tramways (Ireland) Acts, 1860 to 1900 ; or

10 (iii) in the stock, mortgages, bonds, debentures, or debenture stock issued or to be issued by the council of any county or urban district in the United Kingdom under the authority of any Act or Provisional Order ;

and may from time to time, subject to the like conditions, vary any such investment.

15 (2) The Public Trustee, in any case in which his sanction is required for an investment under this section, shall, before sanctioning the investment, satisfy himself that there is a reasonable probability that the investment will, if realised on the death of the tenant for life or the termination of the trust, produce an amount not less than the sum invested ; and the Public
20 Trustee shall not incur any liability on account of any sanction given or withheld by him in good faith.

(3) The powers of investment conferred upon trustees by this section shall be in addition to any powers of investment conferred on trustees by the terms of the settlement or by
25 Act of Parliament, and such last-mentioned powers may be exercised notwithstanding anything to the contrary in the settlement.

(4) A trustee shall not incur any liability by reason of any investment made by him in exercise of the powers conferred
30 by this section.

(5) Subsections (1), (2), and (3) of section fifty-one of the Act of 1903 shall cease to have effect.

35 **40.** A barrister-at-law or solicitor shall not be deemed to have retired from practice by reason of his having been temporarily appointed and having acted as an examiner of the Land Commission under the provisions of the Land Purchase Acts. Examiners of title.

41.—(1) The Estates Commissioners may make proposals and enter into negotiations— Proposals for purchase by Estates Commissioners.

40 (a) for the purchase, under section six of the Act of 1903, of any estate not situated in a congested districts

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county, notwithstanding that an application has not been made to them by the owner under that section; (b) for the purchase, under section eight of the Act of 1903, of any untenanted land not situated in a congested districts county, whether required for the purposes 5 mentioned in that section or for the purpose of re-sale to any persons to whom parcels of land may be sold under this Act.

(2) For the purpose of enabling the Estates Commissioners to ascertain the boundaries, extent, and character of any estate or 10 untenanted land which they propose to purchase and to estimate the price to be offered for the same, any inspectors or other persons appointed by the Commissioners may, after notice sent by post to the person who appears to the Commissioners to be the owner 15 thereof, enter upon the estate or untenanted land and make all such inquiries and do all such things as may be necessary for the purpose aforesaid.

Amendment
and with-
drawal of
proposals of
the Estates
Commis-
sioners.

42.—(1) Where the Estates Commissioners have made a proposal for the purchase of an estate or untenanted land, and the owner objects to the proposal on the ground that adjoining 20 lands belonging to him have not been included in the proposal, if the Estates Commissioners refuse to withdraw the proposal or to amend the same by including therein such adjoining lands the owner may, within the prescribed time and in the prescribed 25 manner, apply to the Judicial Commissioner for an order that no further proceedings be taken upon the proposal.

(2) Upon any such application the Judicial Commissioner may, if he is satisfied that the said adjoining lands would be substantially depreciated in value by the purchase of the estate or untenanted land as proposed, order that no further proceedings 30 be taken for the purchase of the estate or untenanted land upon the proposal unless within a time to be named in the order the Estates Commissioners amend the proposal so as to include the said adjoining lands or such portion or portions thereof as, in the opinion of the Judicial Commissioner, ought properly to be 35 included.

Procedure of
the Estates
Commis-
sioners on
failure of
negotiations
for purchase.

43.—(1) Where negotiations have been entered into or proposals have been made for the purchase under the Land Purchase Acts of any estate or untenanted land not situated in a congested districts county and no agreement has been arrived at, 40 the Estates Commissioners may, if they think fit, send in the prescribed manner to the person who appears to them to be the

owner a final offer in writing for the purchase of the estate or **untenanted land**. A.D. 1909.

(2) The final offer shall contain the following particulars:—

5 (a) A description of the estate or untenanted land to which the offer relates ;

(b) The amount of the price which the Estates Commissioners are willing to give for the estate or untenanted land, subject—

10 (i) to any public rights affecting the estate or untenanted land ;

(ii) to any maintenance charges under the Public Works Acts ; and (in the case of an estate) ;

15 (iii) to any interests of the tenants or of persons having any claims upon those interests, and to any easements, rights, and appurtenances mentioned in section thirty-four of the Act of 1896 :

20 but save as aforesaid, and subject to the provisions of the Act of 1903 with respect to minerals discharged from the claims of all persons who are interested in the estate or untenanted land, whether in respect of superior or intervening interests or incumbrances or otherwise ; and

(c) The time within which the offer may be accepted.

25 (3) If within the time specified in that behalf in the final offer, the offer is accepted in writing by any person who within the prescribed period satisfies the Estates Commissioners that he may be dealt with as the owner of the estate or untenanted land under section seventeen of the Act of 1903, the offer and acceptance shall as from the date upon which the Estates Commissioners certify

30 that they are so satisfied, have the same effect as an agreement for the purchase of the estate or untenanted land under the said Act as amended by this Act, and the like consequences shall ensue and the like proceedings shall be carried on as in the case of such an agreement save that the advance for the purpose of the purchase

35 shall, notwithstanding anything to the contrary in this Act, be made by means of money and not by means of stock, except in cases where the vendor agrees to accept in lieu of cash an amount of guaranteed three per cent. stock equal in nominal amount to the sum to be advanced, and carrying dividends as from the date

40 of the advance, and the Estates Commissioners agree that the advance shall be made in that manner.

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(4) If the said offer is not accepted as aforesaid the Estates Commissioners may, if they think fit, proceed to acquire the estate or untenanted land compulsorily in manner provided by Part IV. of this Act.

(5) In estimating the price to be named in the final offer the Estates Commissioners shall have regard to the provisions of the Act of 1903, as amended by this Act, in respect of advances and to the prices which the tenants and other persons are willing to give for the holdings (if any) and parcels of land comprised in the estate or untenanted land.

10

PART III.

CONGESTED DISTRICTS.

Incorporation of the Congested Districts Board.

44.—(1) From and after the appointed day the Congested Districts Board for Ireland shall be a body corporate, bearing the name of the “Congested Districts Board for Ireland” with a capacity to acquire and hold land, and to sue and be sued by its corporate name.

15

(2) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of a permanent member of the Board, or of the secretary.

20

(3) In the execution or performance of any power or duty conferred upon or transferred to the Board, by or in pursuance of any enactment, the Board shall adopt and use the style and seal of the Congested Districts Board for Ireland.

25

(4) The powers and duties of the trustees of the Congested Districts Board for Ireland under any enactment, shall, on the appointed day, be transferred to the Board.

56 & 57 Viet. c. 35.

(5) Subsection (3) of section thirty-four of the Act of 1891 and subsections (2) and (3) of section two of the Congested Districts Board (Ireland) Act, 1893, shall cease to have effect as from the appointed day.

30

Reconstitution of the Board.

45.—(1) From and after the appointed day, the Congested Districts Board shall consist of the following members:—

(a) The Chief Secretary, the Under Secretary to the Lord Lieutenant, and the Vice-President of the Department of Agriculture and Technical Instruction for Ireland, who shall be ex-officio members:

35

(b) Five members appointed by His Majesty (in this Act referred to as appointed members):

40

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- (c) Nine members representing the congested districts counties, of whom one shall be elected by the local authority of each congested districts county (in this Act referred to as representative members):
- 5 (d) Two paid members appointed by His Majesty (in this Act referred to as permanent members).
- (2) An appointed member shall hold office for four years and shall be eligible for re-appointment.
- (3) Each of the permanent members shall hold office during
10 pleasure, and shall be paid by the Board out of the funds at their disposal an annual salary of two thousand pounds:
- Provided that a permanent member shall not be removed from his office except by an Order in Council, and any such Order shall be laid before each House of Parliament forthwith, and if an
15 Address is presented to His Majesty by either House of Parliament within the next subsequent forty days on which that House has sat after any such Order is laid before it praying that the Order may be annulled, His Majesty in Council may annul the Order, and it shall thenceforth be void.
- 20 (4) His Majesty may fill any casual vacancy in the office of appointed or permanent member by appointing a member in the place of the member whose office is vacant.
- (5) Every existing member of the Congested Districts Board who is not an ex-officio member, or is not appointed or elected
25 under or in pursuance of this section, shall cease to hold office on the appointed day.
- 46.**—(1) The representative members shall hold office for terms of six years (the first whereof shall date from the appointed day) and shall be eligible for re-election.
- 30 (2) A representative member may resign office by giving notice to the secretary.
- (3) A casual vacancy occurring through death, resignation or otherwise, in the office of representative member shall be filled by the election of a person by the local authority by whom the
35 person whose office is vacant was elected.
- (4) A person elected to fill a casual vacancy shall retire from office at the same time as the person whose office is vacant would have retired.

Duration of
office of re-
presentative
members
and casual
vacancies.

A.D. 1909.
Administra-
tive com-
mittee.

47.—(1) There shall be an administrative committee of the Congested Districts Board consisting of the Chief Secretary, the Under Secretary to the Lord Lieutenant, the permanent members and two other members of the Board not being ex officio members, to be chosen by the appointed and the representative members. 5

(2) The administrative committee shall control the finance of the Board.

(3) Subject to such control, the Board shall have power to determine all matters arising in relation to the purchase or re-sale of land or the aiding and developing of agriculture, industries or fishing under the Congested Districts Board (Ireland) Acts as amended by this Act. 10

(4) The powers and duties of the Board shall, subject to the foregoing provisions of this section, be exercised and performed by and through the administrative committee. 15

Congested
districts
counties and
local autho-
rities.

48.—(1) For the purposes of the Congested Districts Board (Ireland) Acts, as amended by this Act, each of the following administrative counties, that is to say, the counties of Donegal, Sligo, Leitrim, Roscommon, Mayo, Galway, Clare, and Kerry, shall be a congested districts county, and the four rural districts of Bantry, Castletown, Schull, and Skibbereen, in the county of Cork, shall together form one congested districts county. 20

(2) The council of the administrative county shall be the local authority of the congested districts county, except in the case of the congested districts county in the county of Cork. 25

(3) For the purposes of this Part of this Act there shall be a joint committee of the councils of the rural districts of Bantry, Castletown, Schull, and Skibbereen, consisting of two persons chosen out of their body by each of the said councils, and that committee shall be the local authority of the congested districts county in the county of Cork. 30

(4) No electoral division shall, after the passing of this Act, be or form part of a congested districts county, unless it is included in a congested districts county constituted under this section. 35

(5) The Local Government Board for Ireland may make rules regulating the election, meetings, and procedure of the said joint committee.

49. The powers and duties of the Congested Districts Board under any enactment, so far as they relate to any of the following matters; namely:—

- 5 (a) The provision of seed potatoes or seed oats;
 (b) Agricultural instruction or practical husbandry; or
 (c) The aiding and developing of forestry or the breeding of live stock or poultry;

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Transfer of certain powers and duties of the Board to the Department of Agriculture.

shall on the appointed day be transferred to the Department of Agriculture and Technical Instruction for Ireland (in this Part of
 10 this Act referred to as the Department) and shall from that day cease to be exercised or performed by the Board.

50. For the purpose of advising the Department and the Congested Districts Board with a view to the co-ordination of the administration of the business of the Department and the Board
 15 respectively in relation to the aiding and developing of sea fisheries in areas in which they have concurrent powers or duties, there shall be a consultative committee consisting of six members, of whom three shall be nominated by the Department, and three shall be nominated by the Board.

Consultative Committee for purpose of fisheries

20 **51.** As from the appointed day an annual sum of one hundred and sixty-three thousand seven hundred and fifty pounds shall be paid out of moneys provided by Parliament, as follows:—

Provision of money for Board and Department of Agriculture.

25 Out of that sum an annual sum of nineteen thousand pounds shall be paid to the Department for the purpose of the exercise of the powers and the performance of the duties transferred to the Department under this Act, and the residue shall be paid to the Congested Districts Board:

30 Provided that at any time after the expiration of five years from the appointed day the Lord Lieutenant may, on the application of the Department or the Board, from time to time direct that the amount payable to the Department for the purpose aforesaid shall be increased or reduced, and the increased or reduced amount shall as from the date fixed by the Lord Lieutenant be the amount payable to the Department under this
 35 section.

52.—(1) Where any powers and duties are transferred by this Part of this Act from one authority to another authority—

Provisions consequential on transfer of power and duties.

- (i) all property, whether real or personal (including easements and rights and things in action) held by or in trust for or vested in the first authority for the purpose

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or by virtue of those powers and duties, shall without any conveyance or assurance pass to and vest in the other authority subject to all debts and liabilities affecting the same; and

- (ii) the latter authority shall hold the property for the estate interest and purposes and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not passed so far as the same are not modified by or in pursuance of this Act; and 5 10
- (iii) all debts and liabilities of the first authority incurred by virtue of those powers and duties shall become debts and liabilities of the latter authority; and
- (iv) in any proceedings relating to those powers and duties and pending at the time of the transfer to which the first authority is a party, the latter authority shall be substituted for the first authority and the proceedings shall not abate by reason of the substitution; and 15
- (v) any reference to the first authority in any enactment, order, instrument, contract, or other document in relation to those powers or duties shall, so far as is necessary for the exercise of those powers or the discharge of those duties, be construed as a reference to the latter authority. 20

(2) The expression "authority" in this section means the Congested Districts Board, the Department and the trustees of the Congested Districts Board. 25

Orders in Council.

53.—(1) The Lord Lieutenant, by Order in Council, may do all or any of the following things (that is to say):—

- (i) Regulate the proceedings and meetings (including quorum) of the Congested Districts Board and of the Administrative Committee; 30
- (ii) Regulate and define the powers and duties of the permanent Members;
- (iii) Make such regulations as appear to him necessary or expedient for carrying into effect this Part of this Act. 35

(2) An Order of the Lord Lieutenant in Council under this section shall be laid before both Houses of Parliament as soon as may be after it is made, and if within the next subsequent 40

forty days on which either House has sat that House presents an address to His Majesty praying that any such Order may either in whole or in part be annulled, His Majesty in Council may annul the same either in whole or in part as the case may
 5 require, and the Order or part so annulled shall thenceforth become void without prejudice to the validity of any proceedings taken under the same in the meantime :

A.D. 1909.

Provided that where any Order or any part thereof is so annulled, the Lord Lieutenant in Council may within six months
 10 thereof make another Order in place of the Order or part so annulled, subject nevertheless to be laid before Parliament, and to be annulled by His Majesty in Council in manner above mentioned, and so on as often as the case requires.

54.—(1) It shall be lawful for the Congested Districts Board, with the approval of the Treasury, to grant to any permanent member of the Board on retirement such superannuation or other allowance (if any) as he would have been qualified for, under the provisions of the Superannuation Acts, 1834 to 1892, or any Acts amending the same, if he were retiring from the permanent Civil
 20 Service of the State. Any such allowance shall be payable out of the funds at the disposal of the Board. Provided that where a permanent member was at the time of his appointment a permanent Civil Servant of the State such portion of the allowance as the Treasury determine to be properly payable in respect of his
 25 previous service in that capacity shall be payable in the same manner as a superannuation or other allowance under those Acts.

Grant of superannuation allowances by Congested Districts Board.

(2) The Congested Districts Board may, with the approval of the Treasury, make a scheme providing for the grant of pensions or gratuities, according to the scale and subject to the conditions
 30 (so far as applicable) prescribed by the Superannuation Acts, 1834 to 1892, or any Acts amending the same, to such officers or persons employed by them, not being otherwise pensionable, as may be from time to time approved by the Treasury ; and the Board may pay to any such officers or persons out of the funds
 35 at their disposal such pensions or gratuities under the scheme as the Treasury may sanction in each case.

55.—(1) The Board may sell any parcels of any land purchased by them whether before or after the passing of this Act or purchased on their requisition under this Act to any tenants
 40 or proprietors of holdings in a congested districts county.

Sales of parcels of land by Congested Districts Board.

A.D. 1909. (2) If any parcels of such land are not required for, or having regard to the circumstances of the estate, land, or district cannot advantageously be sold to, such tenants or proprietors, the Board may sell those parcels to any sons of tenants or proprietors of holdings situated in a congested districts county and not exceeding ten pounds in rateable value. 5

(3) Where the Congested Districts Board sell any parcel of land to the son of any tenant or proprietor under this section, they shall insert in their annual report to the Lord Lieutenant full particulars of the sale and the circumstances in which the same was made. 10

(4) The provisions of this Act with respect to the application of the Land Purchase Acts to parcels of land shall apply in the case of the sale of any parcel of land under this section. 15

(5) Section seventy-five of the Act of 1903 shall cease to have effect.

Extension of
3 Edw. 7.
c. 37. s. 19 to
sales by the
Congested
Districts
Board.

56. Where an estate is purchased by the Congested Districts Board, and tenants on the estate to the extent of three-fourths in number and rateable value have agreed to purchase their holdings, the Board may order that the remaining tenants or any of them shall be deemed to have accepted the offers made to them by the Board in any case where, under section eighty of the Act of 1903, the tenant could have obtained an advance of the entire purchase money and the Land Purchase Acts shall apply accordingly. 20 25

Extension of
3 Edw. 7.
c. 37. s. 15(6)
to sales to
the Con-
gested Dis-
tricts Board.

57. The powers conferred on the Land Judge by subsection (6) of section fifteen of the Act of 1903 (which relates to sub-tenancies and sub-divided holdings) for the purposes of the sale of an estate by the Land Judge to the Land Commission may be exercised by the Land Judge for the purposes of the sale of an estate by him to the Congested Districts Board. 30

Rents and
profits re-
coverable
by the Con-
gested Dis-
tricts Board.

58. Where, after the passing of this Act, the Congested Districts Board enter into an agreement under section seventy-nine of the Act of 1903, for the purchase of an estate or untenanted land, the provisions of section eighteen of that Act (which relates to rents and profits recoverable by the Land Commission) shall apply in like manner as they apply in the case 35

of land agreed to be purchased by the Land Commission, subject to the following modifications (that is to say) :— A.D. 1909.

- (a) The Congested Districts Board shall be substituted for the Land Commission ;
- 5 (b) All rents and profits and arrears of rent payable to the Board shall be recoverable by the Board in like manner as if the Board were the owner of the estate or untenanted land.

10 **59.** The Congested Districts Board shall not, after the passing of this Act, enter into an agreement for the purchase of any land which is not situated in a Congested Districts County. Restriction on purchases by the Board.

15 **60.**—(1) The Land Commission shall not, after the passing of this Act, enter into an agreement for the purchase of any land situated in a congested districts county, save with the consent of the Congested Districts Board: Provided that this subsection shall not apply in the case of any land required for the purposes of the Evicted Tenants (Ireland) Act, 1907. Restrictions on sales of land in congested districts counties. 7 Edw.7. c. 6.

20 (2) No estate situated in a congested districts county shall, after the passing of this Act, be sold under the Land Purchase Acts, to persons other than the Congested Districts Board without the consent of that Board, which consent shall not be withheld unless the Board undertake to purchase the estate within a reasonable time: Provided that this subsection shall not apply in the case of any sale of a congested estate in pursuance of an originating application or request lodged before the passing of this Act.

30 **61.** For the purpose of enabling the Congested Districts Board to ascertain the boundaries, extent, and character of any land which they propose to purchase under the Land Purchase Acts and to estimate the price to be offered for the same, any inspectors or other persons appointed by the Board may, after notice sent by post to the person who appears to the Board to be the owner thereof, enter upon the land and make all such inquiries and do all such things as may be necessary for the purpose aforesaid. Power to enter and inspect land with a view to purchase.

40 **62.** Where the Congested Districts Board make a proposal for the purchase of an estate or untenanted land, the provisions of Part II. of this Act with respect to the amendment and withdrawal of proposals of the Estates Commissioners shall apply, with the substitution of the Congested Districts Board for the Estates Commissioners. Amendment and withdrawal of proposals of the Congested Districts Board.

A.D. 1909.
 Procedure of
 the Board on
 failure of
 negotiations
 for purchase.

63.—(1) Where negotiations have been entered into or proposals have been made for the purchase under the Land Purchase Acts of any estate or untenanted land situated in a congested districts county, and no agreement has been arrived at the Congested Districts Board may, if they think fit, send in the prescribed manner to the person who appears to them to be the owner a final offer in writing for the purchase of the estate or untenanted land. 5

(2) The provisions of Part II. of this Act with respect to the particulars to be inserted in a final offer sent by the Estates Commissioners shall apply in the case of a final offer sent by the Congested Districts Board under this section, with the substitution of the Congested Districts Board for the Estates Commissioners, and the provisions of Part II. of this Act with respect to the acceptance of a final offer sent by the Estates Commissioners, shall apply in the case of the acceptance of a final offer sent by the Congested Districts Board, with the substitution of section seventy-nine of the Act of 1903 for section seventeen of that Act. 10 15

(3) If the final offer is not accepted in accordance with the foregoing provisions of this section, the Congested Districts Board may, if they think fit, send to the Estates Commissioners a requisition calling upon the Estates Commissioners to take steps to acquire the estate or untenanted land compulsorily in manner provided by Part IV. of this Act. 20

PART IV.

25

COMPULSORY PURCHASE.

Compulsory
 purchase.

64.—(1) The Estates Commissioners in any case where they propose to acquire compulsorily an estate or untenanted land—

(a) in respect of which a final offer has been sent by them and has not been accepted in manner provided by this Act; or 30

(b) in respect of which they have received a requisition under this Act from the Congested Districts Board

shall publish in the Dublin Gazette a notice containing particulars of the final offer of the Land Commission or the Congested Districts Board as the case may be and stating that the Estates Commissioners intend to purchase the estate or untenanted land described in the final offer at the price named in such offer, unless within the prescribed time an application is made under this Part of this Act to the Judicial Commissioner by any person interested in the estate or untenanted land. 35 40

(2) A copy of the final offer and of the aforesaid notice shall as soon as possible be served in the prescribed manner by the Estates Commissioners upon all persons known or believed by them to be interested in the estate or untenanted land. A.D. 1909.

5 (3) Any person interested in the estate or untenanted land who is dissatisfied with the price named in the final offer may within the prescribed time and in the prescribed manner apply by way of objection to the Judicial Commissioner to fix the price to be paid for the estate or untenanted land.

10 (4) The Judicial Commissioner shall, with the assistance of two specially qualified lay assessors, hear in the prescribed manner and determine all applications coming before him under this Part of this Act, and for that purpose shall have and may exercise the powers conferred on the Land Commission by
15 subsection (1) and subsection (3) of section forty-eight of the Act of 1881, and his decision on any question other than one of law shall be final.

(5) An appeal shall lie to the Court of Appeal from any decision of the Judicial Commissioner under this part of this Act
20 on any question of law and the decision of the Court of Appeal on such question shall be final.

(6) Subject to any application to the Judicial Commissioner under this Part of this Act and the final determination of all questions arising thereon, the price named in the final offer or
25 fixed under this Part of this Act as the case may be shall be deemed to be the purchase money of the estate or untenanted land, and shall within the prescribed time be paid into the Bank of Ireland, and the purchase shall be completed and the purchase money distributed in like manner and all the like consequences
30 shall ensue as if the estate or untenanted land had been purchased by the Land Commission or the Congested Districts Board, as the case may be, by agreement entered into under the Act of 1903 as amended by this Act upon the date of the payment of the purchase-money into the Bank.

35 (7) The costs and expenses of and incidental to any application to the Judicial Commissioner under this section shall be at the discretion of that Commissioner, who may if he thinks fit order the same to be paid by the Land Commission or the Congested Districts Board,

A.D. 1909.

(8) In fixing the price to be paid for an estate or untenanted land under this section no additional allowance shall be made on account of the purchase being compulsory.

Restriction
on compul-
sory pur-
chase of
certain land.

65.—(1) If any person interested in the estate or untenanted land objects to the acquisition of the same under this Part of this Act on the ground that the estate or untenanted land consists entirely or mainly of land to which this section applies, he may within the prescribed time and in the prescribed manner apply to the Judicial Commissioner for an order that no further proceedings be taken for the acquisition of the estate or untenanted land under this Part of this Act. 5

(2) If any person interested in the estate or untenanted land objects to the acquisition of the same under this Part of this Act on the ground that the estate or untenanted land includes land to which this section applies, he may, within the prescribed time and in the prescribed manner, apply to the Judicial Commissioner for an order excluding such land from the purchase. 15

(3) Upon any application under this section the Judicial Commissioner may, if he is satisfied that the estate or untenanted land consists entirely or mainly of land to which this section applies by order direct that no further proceedings be taken for the acquisition of the estate or untenanted land under this Part of this Act. 20

(4) If upon any such application the Judicial Commissioner is satisfied that the estate or untenanted land includes land to which this section applies, and that such land is not the main portion of the estate or untenanted land, he may exclude such land from the purchase and may fix the price to be paid for the remainder of the estate or untenanted land, and the foregoing provisions of this Part of this Act relating to the payment and distribution of the purchase-money and the completion of the purchase shall apply accordingly in the case of the remainder of the estate or untenanted land. 25 30

(5) This section applies to any land in the occupation of the owner which is or forms part of a demesne, garden, pleasure ground, or home farm. 35

(6) In this section the expression "owner" means any person having power under the Land Purchase Acts to sell the estate or untenanted land. 40

66. General orders may be made by the Lord Lieutenant, with the approval of the Treasury, for the framing of lists of persons of skill and experience in the valuation of land to act as assessors under this Part of this Act and for the ascertainment of their functions and remunerations, and every person for the time being named in such list shall give his attendance according to general orders.

A.D. 1909.
—
Orders for framing lists of assessors.

PART V.

LAND LAW.

- 67.—(1) Where a present tenancy was determined at any time before the passing of this Act, the Land Commission may, subject to the provisions of the Land Law Acts, on the application in the prescribed manner of any tenant in occupation of the lands comprised in the said present tenancy or of any portion of those lands, being either—
- (a) the person who was the tenant of the original holding at the time when the present tenancy was determined, or (if such person is dead)
- (b) a person who would have been entitled, whether under the will or as one of the next-of-kin or issue of the said tenant, to the said holding or any distributive share therein had the present tenancy therein not been determined:
- fix the fair rent in respect of the said lands or portion in like manner as if the applicant was a present tenant of the same, and the statutory term resulting from the fixing of such fair rent shall not nor shall the tenancy be determined by the expiration of any lease or tenancy existing at the date of such application but shall continue in like manner as if such lease or tenancy were an existing lease within the meaning of the Act of 1881.
- (2) Any provision in any contract of tenancy or other instrument in any way prohibiting, restraining, or tending to prevent the fixing of a fair rent in respect of any holding to which this section applies, shall be void.
- (3) Where a present tenancy has been sold under a writ of execution and assigned by the sheriff to the landlord, or a trustee for the landlord, the tenancy shall, for the purposes of this section, be deemed to have been determined.
- (4) In this section the expression "prescribed" means prescribed by rules made by the Land Commission under (177.)

Future tenants.

A.D 1909. section fifty of the Act of 1881 as amended by any subsequent enactment, and the expression "present tenancy" includes any existing lease within the meaning of the Act of 1881, and any tenancy which was determined at any time between the first day of January eighteen hundred and seventy-nine and the 5 passing of the Act of 1881.

PART VI.

SUPPLEMENTAL.

- Definitions. **68.** In this Act, unless the context otherwise requires,—
- The expression "prescribed," in any case not otherwise 10 provided for, means prescribed by rules made by the Judicial Commissioner and the Estates Commissioners in the manner directed by subsection (13) of section twenty-three of the Act of 1903;
- The expression "the Land Purchase Acts" includes the 15 Land Purchase Acts as defined by the Act of 1903, the Irish Land Act, 1907, and Parts I., II., and IV. of this Act;
- 7 Edw. 7. c. 38. The expression "the Land Law Acts" means the Land Law Acts as defined by the Act of 1903 and Part V. of this 20 Act;
- 44 & 45 Vict. c. 49. The expression "the Act of 1881" means the Land Law (Ireland) Act, 1881;
- 50 & 51 Vict. c. 33. The expression "the Act of 1887" means the Land Law 25 (Ireland) Act, 1887;
- 54 & 55 Vict. c. 48. The expression "the Act of 1891" means the Purchase of Land (Ireland) Act, 1891;
- 59 & 60 Vict. c. 47. The expression "the Act of 1896" means the Land Law (Ireland) Act, 1896;
- 3 Edw. 7. c. 37. The expression "the Act of 1903" means the Irish Land 30 Act, 1903;
- The expression "the Judicial Commissioner" means the Judicial Commissioner appointed under the Act of 1881; and
- The expression "appointed day" means such day as the 35 Lord Lieutenant may appoint.
- Untenanted land. **69.** Land in the occupation of a person holding under a fee farm grant or a lease for lives renewable for ever, or a lease for a

[9 Edw. 7.]

Irish Land.

35

term of years of which not less than sixty are unexpired, shall, for A.D. 1909.
 the purposes of the Act of 1903, the Evicted Tenants (Ireland) —
 Act, 1907, and this Act, be deemed to be untenanted land.

70. Parts I., II., and IV. of this Act shall be construed as Construc-
5 one with the Land Purchase Acts, and may be cited with those tion.
 Acts.

Part III. of this Act shall be construed as one with the
 Congested Districts Board (Ireland) Acts, and may be cited with
 those Acts.

10 Part V. of this Act shall be construed as one with the Land
 Law Acts, and may be cited with those Acts.

71. This Act may be cited as the Irish Land Act, 1909. Short title.

72. The Acts specified in the Second Schedule to this Act Repeals.
15 are hereby repealed to the extent mentioned in the third column
 of that schedule.

[SCHEDULES]

A.D. 1909.

SCHEDULES.FIRST SCHEDULE.

(1) The percentage shall be a percentage on the amount advanced in respect of each holding and parcel of land comprised in the estate, and shall be calculated according to the number of years' purchase 5 represented by the advance upon the following scale:—

Number of years' purchase represented by the Advance.						Rate of Percentage.	10
(1) Where the Rent is a Judicial Rent fixed or agreed to since the passing of the Act of 1896, or the Land is untenanted.			(2) Where the Rent is a Judicial Rent fixed or agreed to before the passing of the Act of 1896, or a Non-Judicial Rent.				
26 and upwards	-	-	24 and upwards	-	-	Nil	
25 and under 26	-	-	23 and under 24	-	-	3	
24 „ 25	-	-	22 „ 23	-	-	4	
23 „ 24	-	-	21 „ 22	-	-	6	15
22 „ 23	-	-	20 „ 21	-	-	8	
21 „ 22	-	-	19 „ 20	-	-	10	
20 „ 21	-	-	18 „ 19	-	-	12	
19 „ 20	-	-	17 „ 18	-	-	14	
18 „ 19	-	-	16 „ 17	-	-	16	20
Under 18	-	-	Under 16	-	-	18	

(2) In cases where an estate is purchased by the Estates Commissioners or the Congested Districts Board, and the advance is made in respect of the estate as a whole, the advance shall, for the purpose of the application of the scale, be apportioned between the holdings 25 and parcels of land comprised in the estate in such manner as the Estates Commissioners or the Congested Districts Board, as the case may be, direct.

(3) In the case of the purchase of a parcel of untenanted land, the number of years' purchase represented by the advance shall be 30 calculated in manner prescribed by the Treasury.

SECOND SCHEDULE.

A.D. 1909.

ACTS REPEALED.

	Session and Chapter.	Short Title.	Extent of Repeal.
5	51 & 52 Vict. c. 49.	The Purchase of Land (Ireland) Amendment Act, 1888.	Section two, save as regards advances in pursuance of purchase agreements entered into before the passing of this Act.
10	54 & 55 Vict. c. 48.	The Purchase of Land (Ireland) Act, 1891.	Section thirty-four, from "consisting" to the end of the section, as from the appointed day.
	56 & 57 Vict. c. 35.	The Congested Districts Board (Ireland) Act, 1893.	Subsections (2) and (3) of section two.
15	3 Edw. 7. c. 37	The Irish Land Act, 1903.	In section one, subsection (4), save as regards advances in pursuance of purchase agreements entered into before the passing of this Act.
20			Section two, save as regards sales of parcels of land in respect of which purchase agreements have been entered into before the passing of this Act.
25			In subsection (4) of section six, the words "with the consent of the owner." Subsection (3) of section forty-three. Section forty-four.
30			In subsection (1) of section forty-seven, from "provided" to end of subsection. Subsection (3) of section forty-eight, subsections (1), (2), and (3) of section fifty-one. Section seventy-five.

Irish Land.

A

B I L L

INTITULED

An Act to amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto.

(Brought from the Commons 20th September 1909)

Ordered to be printed 20th September 1909.

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[*Price 4s.d.*]]

(177.)

Irish Land Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE LORD ATKINSON.

Clause 14, page 8, line 17, leave out from (“satisfied”) to the end of subsection (1) and insert (“that a sum exceeding one year’s rent of the holding has been added to the purchase money thereof, in respect of arrears of rent due thereout, may refuse to sanction the advance, unless the parties to the agreement of purchase and sale consent that the purchase money shall be reduced by the amount of such excess over one year’s rent. On such consent being given the said agreement shall be varied accordingly, and the application dealt with under the aforesaid subsection in its proper order as if the reduced sum had been the whole of the purchase money, and the application had been originally made in respect of that sum. The refusal to make the advance on the ground aforesaid must be concurred in by the Judicial Commissioner”)

Clause 16, page 9, line 11, leave out from (“after”) to the end of subsection (1) and insert (“the fifteenth day of September in the year nineteen hundred and nine”)

Clause 17, page 9, lines 20 to 23, leave out paragraph (b).
 line 33, leave out (“considering”) and insert (“after adequate provision has been made to satisfy”)
 line 35, after (“made”) insert (“Provided that no advance shall be made to the son of a tenant or proprietor of a holding of an annual rateable value of more than ten pounds nor shall any advance be made to more than one son of the same tenant”)

Clause 18, page 10, line 11, after (“nineteen hundred and three”) insert (“so far as it is inconsistent with the provisions of this Act”)

line 14, leave out from (“Act”) to the end of subsection (4).
 (177 a.)

F A

Clause 44.

BY THE LORD CLEMENTS (*E. Leitrim*).

Page 22, lines 29 and 30, leave out (“ subsection (3) of section “ thirty-four of the Act of 1891, and ”)

BY THE LORD ATKINSON.

Leave out clause 44 and insert the following new clauses :

44. From and after the appointed day every person who, under the provisions of section eight, subsection one (*a*) of the Agricultural and Technical Instruction (Ireland) Act, 1899, has been or shall be appointed by any of the several counties in which a congested districts county, as defined in section thirty-six of the Purchase of Land (Ireland) Act, 1891, or in which any electoral division included under said section by the Lord Lieutenant in exercise of the powers thereby conferred is geographically situate, a member of the Council of Agriculture shall, while and as long as he continues a member thereof, be in addition an ex officio member of the Congested Districts Board. And every existing member of the Congested Districts Board shall cease to hold office on the appointed day.

45. The powers and duties of the Congested Districts Board under any enactment, so far as they relate to the purchase and re-sale of lands, the enlargement, exchange, or consolidation of holdings, the determination or creation of tenancies, the division, improvement, or use and occupation of land, and all matter necessarily incidental thereto, shall on the appointed day, be transferred to the Land Commission, and from and after that day, save as in this Act otherwise provided, they shall be exercised and performed under the same conditions, and subject to the same restriction and limitations, and by and through the same means, agents, and officers as if they had been originally conferred or imposed upon the Land Commission by the said Act of 1903. And so far as the said powers and duties relate to any of the matters following, namely—

- (*a*) The aiding and developing of agriculture otherwise than as aforesaid ;
- (*b*) Aiding or developing industries or fishing ;
- (*c*) The provision of seed potatoes or seed oats ;

Clause 44—continued.

- (d) Agricultural instruction or practical husbandry ; or
- (e) The aiding and developing of forestry or the breeding of live stock or poultry ;

shall on the appointed day be transferred to the Department of Agriculture and Technical Instruction (in this part of this Act referred to as the Department). And from that day all the powers and duties in this section mentioned shall cease to be exercised by the Congested Districts Board, and the said Board shall become and from thenceforth continue to be an advisory or consultative body.

46. From and after the appointed day the Congested Districts Board shall advise the Land Commission, or the members thereof hereby appointed to exercise or perform any of the powers or duties hereby transferred to the Land Commission, with respect to all matters and questions submitted to them by the Land Commission, or such members thereof as aforesaid in connection with the exercise of the aforesaid powers, or the performance of the aforesaid duties, or any of them ; and shall advise the Department with respect to all matters submitted to them by the Department in connection with the exercise of the powers, or the performance of the duties hereby transferred to the Department.

47. As and from the appointed day an annual sum of one hundred and sixty-three thousand seven hundred and fifty pounds shall be paid out of moneys provided by Parliament as follows :

Out of that sum an annual sum of forty thousand pounds shall be paid to the Department, such a sum thereof as the Lord Lieutenant shall fix by order not exceeding in amount five thousand pounds shall be set apart to meet the expenses of the Congested Districts Board, and the residue of said first-mentioned sum shall be paid to the Land Commission for the purpose of the exercise of the powers and the performance of the duties transferred by this Act to those two bodies respectively.

Provided that at any time after the expiration of five years from the appointed day the Lord Lieutenant may, on the application of the Department or the Board, from time to time direct that the amount payable to the Department for the purpose aforesaid shall be increased or reduced, and the increased or

Lieutenant be the amount payable to the Department under this section.

48. The Land Commission shall for the purpose of this part of this Act, in addition to the powers heretofore conferred upon them, have power to declare by order that an estate which, in their opinion, comes within the provisions of section five, subsection six, of the Act of 1903 as amended by this Act is a congested estate.

49. The jurisdiction, power, and duty of the Land Commission to define land situated in a congested district, county, or counties as a separate estate or a congested estate, and to purchase and re-sell the same and to purchase land for the benefit of a congested county, and re-sell the same shall be exercised and performed exclusively by the Estate Commissioners.

50.—(1) Where any powers and duties are transferred by this Part of this Act from one authority to another authority—

- (i) all property, whether real or personal (including easements and rights and things in action) held by or in trust for or vested in the first authority for the purpose or by virtue of those powers and duties, shall without any conveyance or assurance pass to and vest in the other authority subject to all debts and liabilities affecting the same; and
- (ii) the latter authority shall hold the property for the estate interest and purposes and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not passed so far as the same are not modified by or in pursuance of this Act; and
- (iii) all debts and liabilities of the first authority incurred by virtue of those powers and duties shall become debts and liabilities of the latter authority; and
- (iv) in any proceedings relating to those powers and duties and pending at the time of the transfer to which the first authority is a party, the latter authority shall be substituted for the first authority and the proceedings shall not abate by reason of the substitution; and
- (v) any reference to the first authority in any enactment, order, instrument, contract, or other document in relation to those powers or duties shall, so far as is

(5)

necessary for the exercise of those powers or the discharge of those duties, be construed as a reference to the latter authority.

(2) The expression "authority" in this section means the Congested Districts Board, the Department and the trustees of the Congested Districts Board.

Clause 69, page 34, line 37, leave out ("in the occupation of") and insert ("acquired by a tenant under the provisions of the Irish Church Act, 1869, or purchase under the Land Purchase Acts, as same are defined by the and this Act, not exceeding two hundred acres in extent occupied and cultivated as a farm according to a reasonable and proper course of husbandry or according to the course of husbandry usual in the district in which the same is situated by")

page 35, line 1, after ("shall") insert ("not")

BY THE LORD SUDLEY (*E. Arran*).

Clause 64, page 30, line 41, after ("land") insert ("Provided that if the price inclusive of the percentage to be paid for the estate or untenanted land shall be a less sum than that which invested at three-and-a-half per cent. would produce an income equal to the average net income shown by the owner to have been received by him during the period of five years preceding the date of the final offer, to the satisfaction of the Judicial Commissioner, the owner shall have the power of refusing to consent to the sale")

page 31, lines 5 to 9, leave out subsection (3) and insert the following new subsection:

(3) Should the Estates Commissioners or the Congested Districts Board re-sell the land bought under compulsion at a price less than that which has been paid for it by them, the difference shall be charged to the Land Purchase Aid Fund.

Clause 46.

BY THE LORD ATKINSON AND THE
LORD CLEMENTS (*E. Leitrim*).

Leave out clause 46.

BY THE LORD MACDONNELL.

* Leave out clause 46.

Clause 47.

BY THE LORD ATKINSON AND THE
LORD CLEMENTS (*E. Leitrim*).

Leave out clause 47.

BY THE LORD MACDONNELL.

* Leave out clause 47.

Clause 48.

BY THE LORD MACDONNELL.

* Page 24, lines 16 to 35, leave out subsections (1), (2), (3), and (4) and insert the following new subsection—

(1) The council of any administrative county comprising a congested districts county may appoint a committee for any electoral division or smaller area in the congested districts county, consisting partly of members of their own body, and partly of other persons for the purpose of obtaining such information and furnishing such suggestions as the Board may require, and of generally assisting the Board in the relief of congestion in the congested districts county")

* line 36, after ("Ireland") insert ("in consultation
" with the congested districts board ")

BY THE LORD ATKINSON AND THE
LORD CLEMENTS (*E. Leitrim*).

Leave out clause 48.

(17)

Clause 49.

BY THE LORD MACDONNELL.

* Page 25, line 6, after the first (" of ") insert (" fishing ")

BY THE LORD MONTEAGLE OF BRANDON.

Page 25, line 7, after (" poultry ") insert—

(d) The aiding and developing of sea fisheries")

BY THE LORD ATKINSON.

Leave out clause 49.

Clause 50.BY THE LORD ATKINSON AND THE
LORD MONTEAGLE OF BRANDON.

Leave out clause 50.

BY THE LORD MACDONNELL.

* Leave out clause 50.

Clause 51.BY THE LORD BRODRICK (*V. Middleton*).

* Page 25, line 22, leave out from (" Parliament ") to the end of the clause, and insert (" and shall be paid to the Allocation Joint Committee herein-after mentioned.

"(2) For the purposes of this section the Allocation Joint Committee shall consist of nine persons, of whom three shall be members of the Congested Districts Board selected or appointed by that Board, three shall be persons appointed by the Department of Agriculture and Technical Instruction for Ireland, and three shall be the three Estates Commissioners for the time being.

(177 **.)

C

Clause 51—continued.

“(3) The Allocation Joint Committee shall from time to time
“ allocate the moneys placed at their disposal under this section, in
“ such proportions as they deem best, to the Congested Districts
“ Board, the Department of Agriculture, and the Estates Com-
“ missioners respectively, to be expended in any of the districts
“ scheduled as congested districts, for any or all of the purposes
“ for which moneys provided by Parliament are authorised to be
“ expended by the Congested Districts Board (Ireland) Acts
“ Provided, however, that neither the Congested Districts Board,
“ nor the Department of Agriculture, nor the Estates Commis-
“ sioners shall be authorised to expend any of the moneys provided
“ under this section upon any of such purposes, except so far as
“ they respectively are at present, or may from time to time be,
“ authorised to expend moneys on such purposes”)

BY THE LORD ATKINSON.

Leave out clause 51.

After Clause 51.

BY THE LORD BRODRICK (*V. Middleton*).

* Insert the following new clause :

52. The Allocation Joint Committee may from time to time make a representation to the Lord Lieutenant that it would be desirable that an existing congested districts county should no longer be scheduled as such, or that its area should be increased or diminished, or that some new area should be scheduled as a congested districts county, and the Lord Lieutenant and Privy Council may thereupon take such representation into consideration, and notwithstanding anything in the Congested Districts (Ireland) Acts prescribing the area of a congested districts county, or otherwise, may make such Order in Council thereon as they may deem right.

(19)

Clause 52.

BY THE LORD ATKINSON.

Leave out clause 52.

Clause 53.

BY THE LORD ASHBOURNE.

Page 26, line 28, leave out ("Order in Council") and insert ("and with the advice of the Privy Council"), and leave out from ("may") to ("make") in line 35.

BY THE LORD MACDONNELL.

* Page 26, line 32, leave out ("Administrative") and after ("Committee") insert ("appointed under section forty-eight")

* line 34, leave out ("members") and insert ("member")

* lines 35 to 37, leave out ("or expedient for carrying into effect this part of this Act") and insert ("for the audit of accounts")

BY THE LORD ASHBOURNE.

Page 26, line 38, leave out ("in Council") and insert ("and Privy Council")

Page 27, line 9, leave out ("in Council") and insert ("and Privy Council")

BY THE LORD ATKINSON.

Leave out clause 53.

Clause 54.

BY THE LORD ATKINSON.

Leave out clause 54.

After Clause 54.

BY THE LORD MACDONNELL.

Insert the following new new clauses :

*** 55.**—(1) From and after the appointed day, the Congested Districts Board shall cease to exercise any power to acquire land save as otherwise provided in this section, or to expend any money in aiding or developing fishing.

(2) Where any congested estate situated in a congested districts county (or any estate so situated, for the sale of which an absolute order has been made under the Landed Estates Court (Ireland) Act, 1858) or any untenanted land, is required by the Congested District Board for the purposes of the Congested Districts Board (Ireland) Acts, as amended by this Act, the Board shall issue a requisition calling upon the Land Commission to take steps to acquire the estate or untenanted land.

(3) Upon the receipt of such requisition the Land Commission shall proceed to acquire the estate or land accordingly in the manner provided by Part II. and Part IV. of this Act, and shall thereafter make an order which shall be effectual to transfer to and vest in the Congested Districts Board such estate or untenanted land for all the rights acquired by the Land Commission therein.

Provided that, if the untenanted land be not situated in a congested districts county, the Land Commission, before making such an order as aforesaid in respect of such land, may sell such parcel or parcels thereof under the Land Purchase Acts to any tenant or proprietor of a congested holding on or immediately adjacent to such land as will raise such holding or holdings to a valuation of ten pounds, and shall make such order as aforesaid only in respect of the balance of such land remaining over after the sale of such parcel or parcels as aforesaid.

(4) Notwithstanding anything in this section, the Congested Districts Board may, for the purpose of the Congested Districts Board (Ireland) Acts, purchase the interests from the occupying tenant in any holding provided the tenant accept the price offered by the Board, otherwise the Board shall proceed to acquire such interest in the manner provided in Part IV. of this Act.

*** 56.** If at any time it appears to the Congested Districts Board that it is expedient to include under the provision of section 36 of the Purchase of Land (Ireland) Act, 1881 (which

(21)

After Clause 54—continued.

relates to the congested districts counties) an electoral division other than the divisions mentioned in subsection one of that section, or to exclude from that provision any electoral division it shall be lawful for the Lord Lieutenant to include or exclude, as the case may be, such division.

Clause 55.

BY THE LORD MACDONNELL.

* Page 27, line 38, leave out (“ whether ”) and leave out (“ or after ”)

* Page 28, line 4, leave out from (“ to ”) to the end of the subsection, and insert (“ whomsoever they think fit having regard to “ the welfare of the locality ”)

* lines 7 to 11, leave out subsection (3).

BY THE LORD ATKINSON AND THE
LORD BRODRICK (*V. Middleton*).

Leave out clause 55.

Clause 56.

BY THE LORD MACDONNELL.

* Page 28, line 18, leave out (“ by ”) and insert (“ for ”)

BY THE LORD ATKINSON.

Leave out clause 56.

Clause 57.

BY THE LORD ATKINSON.

Leave out clause 57.

Clause 58.

BY THE LORD MACDONNELL.

* Page 28, line 33, after (" Act ") insert (" The Land Com-
" mission on requisition from ")

BY THE LORD ATKINSON.

Leave out clause 58.

Clause 59.

BY THE LORD ATKINSON AND THE
LORD ASHBOURNE.

Leave out clause 59.

BY THE LORD MACDONNELL.

* Leave out clause 59.

Clause 60.

BY THE LORD ATKINSON AND THE
LORD ASHBOURNE.

Leave out clause 60.

Clause 61.

BY THE LORD ATKINSON, THE LORD BRODRICK
(*V. Middleton*), AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 61.

BY THE LORD MACDONNELL.

* Leave out clause 61.

(23)

Clause 62.

BY THE LORD ATKINSON, THE LORD BRODRICK
(*V. Middleton*), AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 62.

BY THE LORD MACDONNELL.

* Leave out clause 62.

Clause 63.

BY THE LORD MACDONNELL.

* Page 30, line 2, after ("made") insert ("by the Land
" Commission on a requisition from the Congested Districts
" Board ")

* line 5, leave out ("Congested Districts Board
" may ") and insert ("Land Commission shall"), and leave out
("they think fit") and insert ("moved thereto by the Congested
" Districts Board ")

* line 12, leave out ("Congested Districts Board ")
and insert ("Land Commission ")

* lines 12 and 13, leave out ("with the substitution
" of the Congested Districts Board for the Estates Commission ")

* line 16, after ("sent") insert ("on requisition")

* line 20, leave out ("Congested Districts Board ")
and insert ("Land Commission ")

BY THE LORD ATKINSON, THE LORD BRODRICK
(*V. Middleton*), AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 63.

Clause 64.

BY THE LORD SUDLEY (*E. Arran*).

Page 30, line 41, after ("land") insert ("Provided that if
" the price inclusive of the percentage to be paid for the estate
" or untenanted land shall be a less sum than that which

Clause 64—*continued.*

“ invested at three-and-a-half per cent. would produce an income
“ equal to the average net income shown by the owner to have
“ been received by him during the period of five years preceding
“ the date of the final offer, to the satisfaction of the Judicial
“ Commissioner, the owner shall have the power of refusing to
“ consent to the sale”)

Page 31, lines 5 to 9, leave out subsection (3) and insert the following new subsection—

(3) Should the Estates Commissioners or the Congested Districts Board re-sell the land bought under compulsion at a price less than that which has been paid for it by them, the difference shall be charged to the Land Purchase Aid Fund.

BY THE LORD MACDONNELL.

* Page 31, after subsection (4) insert the following new subsection—

(5) Section seventy-nine (1) of the Act of 1903 shall cease to have effect on the passing of this Act.

BY THE LORD BRODRICK (*V. Middleton*) AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 64.

Clause 65.

BY THE LORD BRODRICK (*V. Middleton*) AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 65.

Clause 66.

BY THE LORD BRODRICK (*V. Middleton*) AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 66.

(25)

Clause 67.

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*)
AND THE LORD CLONCURRY.

Leave out clause 67.

Clause 69.

BY THE LORD ATKINSON.

Page 34, line 37, leave out ("in the occupation of") and insert ("acquired by a tenant under the provisions of the Irish " Church Act, 1869, or purchase under the Land Purchase Acts, as " same are defined by the and " this Act, not exceeding two hundred acres in extent occupied " and cultivated as a farm according to a reasonable and proper " course of husbandry or according to the course of husbandry usual " in the district in which the same is situated by ")

Page 35, line 1, after (" shall ") insert (" not ")

BY THE LORD DUNBOYNE AND THE
LORD CASTLETOWN.

Leave out clause 69.

In the Schedules.**First Schedule.**

BY THE LORD ORANMORE AND BROWNE.

* Page 36, line 31, leave out (" in manner prescribed by the " Treasury ") and insert—

(a) In the case of land that has been let for periods of less than one year, or that has been let for purposes of agistment for any period, at the rent or annual sum that has been paid for same on an average of the preceding five years ;

(177 **.)

D

First Schedule—continued.

(b) In the case of land that has not been so let, the rent thereof (for the purpose of estimating the number of years purchase) shall be taken to be (at the option of the vendor) either—

(1) the average net annual profit for the preceding five years, as shown by the vendor's accounts ; or

(2) the fair annual value thereof, to be ascertained by arbitration, as nearly as may be, in the manner provided by section twenty-five of the schedule of the Landlord and Tenant (Ireland) Act, 1870.

Second Schedule.

BY THE LORD MACDONNELL.

* Page 37, third column, after line 30 insert—

“ 1 Edw. 7. c. 34	“ The Congested “ Districts “ Board (Ire- “ land) Act, “ 1901.	“ Section seventy-nine, subsection (1).” “ Section 12 (2), first proviso, the words ‘ with “ ‘ with the consent of a tenant.’ ” “ Section 1 (2), the words ‘ on the same or an “ ‘ an adjacent or neighbouring estate.’ ”
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Irish Land Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

30th September 1909.

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(177 b.)

Irish Land Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

*[The amendments marked with a * are now printed
for the first time.]*

Clause 1.

BY THE LORD ORANMORE AND BROWNE.

Page 1, line 18, after (“annum”) insert (“provided always
“ that, if the landlord and tenant so agree, the foregoing provi-
“ sions of this section shall not have effect, and in lieu thereof
“ the rate of interest comprised in the annuity of three pounds five
“ shillings referred to in section forty-five of the Irish Land Act,
“ 1903 (in this Act referred to as the Act of 1903), shall be such
“ rate, not exceeding three per cent., as the Treasury may prescribe
“ from time to time, and every such change in the rate of interest
“ shall be published by the Treasury in the Dublin Gazette”)

BY THE EARL OF MAYO.

Leave out clause 1.

Clause 3.

BY THE EARL OF MAYO.

Page 2, line 33, leave out (“ninety-two”) and insert (“eighty-
“ eight”)

(177 ††.)

A

After Clause 3.

BY THE LORD LANGFORD.

Insert the following new clause :

Registers to
secure the
priorities of
sales.

4.—(1) With respect to all advances in respect of estates, or for the purchase of estates, whether under pending or future purchase agreements, the following provisions shall have effect—

(2) A general register shall be kept by the Land Commission of all proposed sales of estates under the Land Purchase Acts, whether directly to the tenants, or to the Land Commission, or otherwise.

(3) Every proposed sale shall be entered in the general register in its proper priority, such priority on the register to be determined in manner herein-after provided, that is to say—

(a) In the case of an estate proposed to be sold under sections one to five inclusive, of the Act of 1903, the order on the register shall be determined by the date at which the agreements for purchase were lodged, and the other duties imposed by law on vendors and tenant purchasers were discharged :

(b) In the case of an estate proposed to be sold under section six of the Act of 1903, the order of priority on the register shall be determined by the date at which the originating request was lodged, and the duties imposed by law on vendors and tenant purchasers have been discharged :

(c) In the case of an estate proposed to be sold under section seven of the Act of 1903, the order of priority on the register shall be determined by the date at which the particulars and documents required by said section have been furnished by the land judge.

(4) The Estates Commissioners shall sanction and make advances in the order of priority in which the estates appear on the general register, unless the Judicial Commissioner for good and sufficient grounds shall direct that any particular estate shall not be taken in the priority appearing on the register.

(5) If a vendor agrees to accept payment in stock, either wholly or partially, the estate shall be transferred to a stock payments register in the order in which his agreement shall be received, and shall be dealt with in the priority appearing on that register, provided that no such vendor shall be permitted

on the general register, unless the Judicial Commissioner for good and sufficient grounds shall direct that any particular estate shall not be taken in the priority appearing on the register.

(5) If a vendor agrees to accept payment in stock, either wholly or partially, the estate shall be transferred to a stock payments register in the order in which his agreement shall be received, and shall be dealt with in the priority appearing on that register, provided that no such vendor shall be permitted under any circumstances to obtain a priority, either as to the whole or any part of the estate which his case would not possess if it remained on the general register, so long as there are funds at the disposal of the Land Commission for the current financial year for dealing with estates of vendors who have not agreed to accept payment in stock.

(6) At the beginning of every financial year the Treasury shall inform the Land Commission of the amount of cash intended to be provided during that year, and shall, as required, supply the Land Commission with cash to the amount aforesaid, and the Land Commission, so far as such amount of cash aforesaid shall extend shall in that year deal with estates the advances for which are to be made in cash before dealing with any estates the vendors in which have agreed to accept payment, wholly or partially, in stock.

(7) A vendor who has agreed to accept payment, wholly or partially, in stock, may at any time before the date on which his Final Schedule or Allocation Schedule shall have been settled by the Examiner, elect to have his estate restored to the General Register in the order of priority, as nearly as may be, in which it originally stood in such register.

(8) Where a vendor, with the view to carrying into effect pending purchase agreements, has agreed to accept payment partly in stock, and such stock has been issued to the prescribed persons under the provisions of section three of this Act, the estate shall be forthwith vested in the tenants, but the purchase annuity payable by the tenants under section forty-five of the Act of 1903 shall not begin to run until the remaining portion of the purchase money of the estate has been advanced, and in the meantime the tenant shall pay to the Land Commission interest on his purchase money at the rate of three pounds five shillings per centum per annum, and out of such interest when received the Land Commission shall pay to the National Debt Commissioners interest at two and

After Clause 3—continued.

title rentcharge, or other superior interests payable out of the purchase money to the Crown, the Land Commission, the Commissioners of Public Works, or any public department, shall be received and paid in stock upon the like terms as payment in stock was received by the vendor, and it shall be lawful for the Land Judge, and the Judges of the Chancery Division, and for any trustees, in respect of any sums payable out of the purchase money into court or to such trustees, to accept payment in stock on the like terms as payment was received by the vendor.

BY THE LORD KENMARE (*E. Kenmare*).

* Insert the following new clause :

. In any case where an originating application has been lodged it shall be the duty of the Commissioners to declare, within a reasonable time, whether the estate may be regarded as a separate estate for the purposes of the Act.

In the case of an estate so declared the following provisions shall apply—

- (1) In the case of any holding on the estate where the provisions contained in section one subsection (1) are complied with, the Lands Commissioners shall forthwith sanction the advance and vest the holding in the purchaser, and such part of the estate shall for all purposes of the Act be treated as if it had been declared a separate estate :
- (2) The remainder of the estate shall be treated as a separate estate and carry priority according to the date on the register of priorities.

Clause 4.

BY THE LORD KENMARE (*E. Kenmare*).

* Page 3, line 25, after (“ necessary ”) insert (“ and such bills
“ or bonds may at the request of the vendor of any estate be issued
“ direct to the Land Commission to be held in trust for the person
“ or persons interested in such estate ”)

(5)

Clause 11.

BY THE LORD DUNBOYNE.

Page 6, line 22, leave out from (" Where ") to (" holding ") in line 26.

line 26, after (" holding ") insert (" or in consequence of any direction of the Land Commission or of the Estates Commissioners ")

BY THE LORD MACDONNELL.

Page 6, line 35, leave out (" or ") and insert (" acting on their own behalf or on a requisition from ")

Clause 14.

BY THE LORD ATKINSON.

Page 8, line 17, leave out from (" satisfied ") to the end of subsection (1) and insert (" that a sum exceeding one year's rent of the holding has been added to the purchase money thereof, in respect of arrears of rent due thereout, may refuse to sanction the advance, unless the parties to the agreement of purchase and sale consent that the purchase money shall be reduced by the amount of such excess over one year's rent. On such consent being given the said agreement shall be varied accordingly, and the application dealt with under the aforesaid subsection in its proper order as if the reduced sum had been the whole of the purchase money, and the application had been originally made in respect of that sum. The refusal to make the advance on the ground aforesaid must be concurred in by the Judicial Commissioner ")

BY THE EARL VANE (*M. Londonderry*).

Page 8, line 17, leave out from (" that ") to (" they ") in line 19, and insert (" the advance applied for includes more than two years' arrears of rent, and that the proposed advance is consequently to that amount larger than it would otherwise be ")

BY THE LORD MACDONNELL.

* Page 8, lines 14 to 22, leave out subsection (1) and insert the following new subsection—

(1) When application is made under subsection (1) of the Act of nineteen hundred and three for an advance of the whole

Clause 14—continued.

purchase money of any holding, the Land Commission, if they are satisfied that one or more of the following circumstances exist, namely—

- (a) that the judicial rent was fixed by agreement or consent and not after judicial inquiry in court;
- (b) that the price agreed upon includes more than one year's arrears of rent;
- (c) that the holding is a congested holding within the meaning of this Act;
- (d) that since the judicial rent was fixed the holding has permanently deteriorated owing to physical causes beyond the control of the tenant;

they may make inquiry as to the security for the advance, and they may by order declare that the provisions of the same subsection shall not apply, and may deal with the application accordingly, as if those provisions had not been complied with.

BY THE LORD BRODRICK (*V. Middleton*).

Leave out clause 14.

After Clause 14.

BY THE LORD MACDONNELL.

In Part II. of the Bill insert the following new clause:

15.—(1) No advance shall be made under the Land Purchase Acts to a tenant of a holding in a congested estate not situated in a congested district county unless such estate has been brought by the Land Commission under section six of the Act of 1903.

* (2) No advance shall be made under the Land Purchase Acts for the purchase of untenanted land situated in an administrative county which contains a congested county unless the Land Commission are satisfied that the land is not needed for the relief of congestion in such administrative counties. This subsection shall not apply to demesne and home farm land.

(7)

Clause 15.

BY THE LORD ORANMORE AND BROWNE.

Page 8, line 34, leave out (" the tenant resides on the holding
" or ")

BY THE LORD CASTLETOWN AND THE
LORD ORANMORE AND BROWNE.

* Page 8, lines 37 to 39, leave out paragraph (b).

BY THE LORD ORANMORE AND BROWNE.

Page 8, line 39, after (" agreement ") insert (" ; or ")

* line 40, leave out (" and ") and insert (" (c) ")

line 41, leave out (" five ") and insert (" seven ")

BY THE LORD CASTLETOWN.

Page 8, line 42, after (" sanctioned ") insert the following new subsection—

(2) Where the price of a holding as agreed upon exceeds the amount for which an advance may be made by the Land Commission, the following provisions shall have effect—

(a) The difference between the amount advanced and the agreed upon price may be secured to the vendor by a mortgage, and the provisions of section six of the Purchase of Land (Ireland) Act, 1885, shall apply with the necessary modifications :

(b) Section one of the Act of 1903 shall apply to the advance to be made by the Land Commission as if an application had been made and granted for the advance of the whole purchase-money :

(c) When and as often as a sum representing not less than ten per centum of the advance has been repaid by the receipt of the portion of the purchase annuity applicable to the sinking fund, either the vendor or the purchaser may require the Land Commission to make a further advance of that amount, and to apply the same towards payment of any money due upon the mortgage to the vendor :

Clause 15—continued.

(d) Any such further advance, together with all sums unpaid in respect of the original advance shall be repaid by the purchaser and charged upon the holding in like priority on the like terms and in like manner and by a like annuity as the original advance.

BY THE LORD ORANMORE AND BROWNE.

* Page 9, line 2, after (“ house ”) insert (“ or resides ”)
lines 2 and 3, leave out (“ in the immediate
“ neighbourhood ”)
line 3, leave out from (“ neighbourhood ”) to the
end of the subsection.

BY THE LORD CASTLETOWN.

* Page 9, line 3, leave out from (“ neighbourhood ”) to the
end of the subsection.

BY THE LORD ORANMORE AND BROWNE.

Page 9, lines 1 to 4, leave out subsection (2).
Leave out clause 15.

Clause 16.

BY THE LORD ATKINSON.

Page 9, line 11, leave out from (“ after ”) to the end of
subsection (1) and insert (“ the fifteenth day of September in the
“ year nineteen hundred and nine ”)

BY THE LORD CLONBROCK.

Leave out clause 16.

BY THE LORD CASTLETOWN.

* Leave out clause 16.

(9)

Clause 17.

BY THE LORD ATKINSON.

Page 9, lines 20 to 23, leave out paragraph (b).

BY THE LORD MACDONNELL.

* Page 9, line 27, after (" apply ") insert (" and had been evicted
" before the commencement of this Act for the non-payment of
" rent ")

BY THE LORD ATKINSON.

Page 9, line 33, leave out (" considering ") and insert after
(" adequate provision has been made to satisfy ")
line 35, after (" made ") insert (" Provided that no
" advance shall be made to the son of a tenant or proprietor of a
" holding of an annual rateable value of more than ten pounds
" nor shall any advance be made to more than one son of the same
" tenant ")

BY THE LORD MACDONNELL.

* Page 9, line 35, after (" made ") insert (" for the purchase
" of mansions, demesne lands, pleasure grounds, plantations, and
" such other non-agricultural lands as in the opinion of the Land
" Commission are not suitable for distribution to persons of the
" preceding classes ")

BY THE EARL OF SHAFTESBURY AND
THE LORD CASTLETOWN.

Leave out clause 17.

Clause 18.

BY THE LORD ATKINSON.

Page 10, line 11, after (" nineteen hundred and three ") insert
(" so far as it is inconsistent with the provisions of this Act ")

line 14, leave out from (" Act ") to the end of sub-
" section (4).

(177 ††.)

B

Clause 18—*continued.*

BY THE LORD MACDONNELL.

Page 10, line 37, after (“ to ”) insert (“ the Land Commission
“ for ”)

Clause 19.

BY THE EARL CADOGAN.

Page 11, line 18, after (“ purposes ”) insert the following new subsection—

(3) Where any land is sold to the occupying tenant under the Act of 1903, and the vendor desires to exclude from the sale a portion of such land for the purpose of planting trees thereon, or preserving ornamental timber already growing thereon, and it appears to the Land Commission that, having regard to the extent and character of such portion, the value of the holding would not be substantially affected if it were resumed by the owner, the Land Commission may make an order vesting such portion in the vendor of the estate upon such terms as to compensation and otherwise as may be agreed upon.

Clause 20.

BY THE LORD MACDONNELL.

* Page 11, lines 19 and 20, leave out (“ under subsection (2)
“ of section one or ”)

* line 23, leave out (“ holding and in the ”)

BY THE LORD ATKINSON AND THE
VISCOUNT MILNER.

Leave out clause 20.

BY THE LORD CASTLETOWN.

* Leave out clause 20.

(11)

Clause 21.

BY THE LORD BARRYMORE.

Page 12, line 3, leave out from ("pounds") to the end of subsection (1).

BY THE LORD MACDONNELL.

Page 12, line 8, after ("county") insert ("the Land Commission on the requisition of")

BY THE LORD BARRYMORE.

Page 12, line 9, after ("may") insert ("with the consent of the owner")
lines 14 and 15, leave out subsection (3).

BY THE LORD MACDONNELL.

Page 12, line 17, after ("holdings") insert ("in number, and one quarter in area")
line 24, leave out ("and") and insert ("or")

BY THE LORD BARRYMORE.

Page 12, lines 16 to 25, leave out subsection (4).
Leave out clause 21.

Clause 22.

BY THE LORD MACDONNELL.

Page 12, line 28, after ("1901") insert ("as amended by this Act")

Clause 24.

BY THE LORD MACDONNELL.

Page 13, line 2, leave out ("or") and insert ("either for its own purposes or on requisition under this Act by")

Clause 26.

BY THE LORD ATKINSON.

Page 14, line 8, after (" shall ") insert (" save as by this Act
" expressly provided ")

Clause 27.

BY THE LORD ATKINSON.

Page 14, line 11, leave out (" one or ")
line 12, leave out (" one or ")

BY THE LORD CASTLETOWN.

* Page 14, line 14, after (" Commissioners ") insert (" Pro-
" vided that any person aggrieved by any order or decision of one
" Commissioner may require his case to be reheard by all three
" Commissioners sitting together ")

BY THE LORD ASHBOURNE.

Leave out clause 27 and insert the following new clause :

27. The powers of the Estates Commissioners may be exer-
ciseable by any two of them sitting together, and anything so done
shall be as valid and effectual as if it were done by all the Estates
Commissioners.

Provided always, that all ministerial Acts relating to the
details of the carrying out of any transactions under the provisions
of this Act or any Act incorporated therewith may at any time be
performed by any one of the said Commissioners.

Clause 29.

BY THE LORD MACDONNELL.

Page 14, line 25, after (" agreement ") insert (" otherwise
" than on a requisition from the Congested Districts Board ")

Clause 32.

BY THE LORD CASTLETOWN.

* Leave out clause 32.

Clause 33.

BY THE LORD FARNHAM.

Leave out clause 33.

Clause 34.

BY THE LORD INCHIQUIN.

Page 16, lines 17 to 27, leave out paragraph (a).

Clause 35.

BY THE LORD ATKINSON AND THE
LORD ASHBOURNE.

Page 17, line 17, leave out from ("annuity") to the end of the clause.

Clause 39.

BY THE LORD PRIVY SEAL (*E. Crewe*).

* Page 18, line 27, leave out ("the")

* line 28, after ("stock") insert ("charged upon the
"undertaking"), and after ("railway") insert ("company")

* Page 19, line 24, leave out ("trustees") and insert
("them")

Clause 41.

BY THE LORD MACDONNELL.

Page 20, line 12, after (" same ") insert (" the Estates
" Commissioners may call for prescribed particulars from persons
" interested in the estate, and ")

BY THE LORD ATKINSON.

Leave out clause 41.

Clause 42.

BY THE LORD ATKINSON.

Leave out clause 42.

Clause 43.

BY THE LORD MACDONNELL.

Page 21, line 39, after (" any ") insert (" congested ")
line 40, after (" county ") insert (" but required by
" the Land Commission for the relief of congestion ")

BY THE LORD ATKINSON, THE LORD BRODRICK
(*V. Middleton*), THE LORD MASSY, AND
THE LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 43.

Clause 44.

BY THE LORD CLEMENTS (*E. Leitrim*).

Page 22, lines 29 and 30, leave out (" subsection (3) of section
" thirty-four of the Act of 1891, and ")

BY THE LORD ATKINSON.

Leave out clause 44 and insert the following new clauses :

44. From and after the appointed day every person who,
under the provisions of section eight, subsection one (*a*) of the

(15)

Clause 44—continued.

Agricultural and Technical Instruction (Ireland) Act, 1899, has been or shall be appointed by any of the several counties in which a congested districts county, as defined in section thirty-six of the Purchase of Land (Ireland) Act, 1891, or in which any electoral division included under said section by the Lord Lieutenant in exercise of the powers thereby conferred is geographically situate, a member of the Council of Agriculture shall, while and as long as he continues a member thereof, be in addition an *ex officio* member of the Congested Districts Board. And every existing member of the Congested Districts Board shall cease to hold office on the appointed day.

45. The powers and duties of the Congested Districts Board under any enactment, so far as they relate to the purchase and re-sale of lands, the enlargement, exchange, or consolidation of holdings, the determination or creation of tenancies, the division, improvement, or use and occupation of land, and all matter necessarily incidental thereto, shall on the appointed day, be transferred to the Land Commission, and from and after that day, save as in this Act otherwise provided, they shall be exercised and performed under the same conditions, and subject to the same restriction and limitations, and by and through the same means, agents, and officers as if they had been originally conferred or imposed upon the Land Commission by the said Act of 1903. And so far as the said powers and duties relate to any of the matters following, namely—

- (a) The aiding and developing of agriculture otherwise than as aforesaid;
- (b) Aiding or developing industries or fishing;
- (c) The provision of seed potatoes or seed oats;
- (d) Agricultural instruction or practical husbandry; or
- (e) The aiding and developing of forestry or the breeding of live stock or poultry;

shall on the appointed day be transferred to the Department of Agriculture and Technical Instruction (in this part of this Act referred to as the Department). And from that day all the powers and duties in this section mentioned shall cease to be exercised by the Congested Districts Board, and the said Board shall become and from thenceforth continue to be an advisory or consultative body.

Clause 44—continued.

46. From and after the appointed day the Congested Districts Board shall advise the Land Commission, or the members thereof hereby appointed to exercise or perform any of the powers or duties hereby transferred to the Land Commission, with respect to all matters and questions submitted to them by the Land Commission, or such members thereof as aforesaid in connection with the exercise of the aforesaid powers, or the performance of the aforesaid duties, or any of them ; and shall advise the Department with respect to all matters submitted to them by the Department in connection with the exercise of the powers, or the performance of the duties hereby transferred to the Department.

47. As and from the appointed day an annual sum of one hundred and sixty-three thousand seven hundred and fifty pounds shall be paid out of moneys provided by Parliament as follows :

Out of that sum an annual sum of forty thousand pounds shall be paid to the Department, such a sum as the Lord Lieutenant shall fix by order, not exceeding in amount three thousand pounds shall be set apart to meet the expenses of the Congested Districts Board, and the residue of said first-mentioned sum shall be paid to the Land Commission for the purpose of the exercise of the powers, and the performance of the duties transferred by this Act to those two bodies respectively.

Provided that at any time after the expiration of five years from the appointed day the Lord Lieutenant may, on the application of the Department or the Board, from time to time direct that the amount payable to the Department for the purpose aforesaid shall be increased or reduced, and the increased or reduced amount shall as from the date fixed by the Lord Lieutenant be the amount payable to the Department under this section.

48. The Land Commission shall for the purpose of this part of this Act, in addition to the powers heretofore conferred upon them, have power to declare by order that an estate which, in their opinion, comes within the provisions of section five, subsection six, of the Act of 1903 as amended by this Act is a congested estate.

49. The jurisdiction, power, and duty of the Land Commission to define land situated in a congested district, county, or counties as a separate estate or a congested estate, and to purchase and re-sell

(5)

Clause 44—continued.

reduced amount shall as from the date fixed by the Lord Lieutenant be the amount payable to the Department under this section.

48. The Land Commission shall for the purpose of this part of this Act, in addition to the powers heretofore conferred upon them, have power to declare by order that an estate which, in their opinion, comes within the provisions of section five, subsection six, of the Act of 1903 as amended by this Act is a congested estate.

49. The jurisdiction, power, and duty of the Land Commission to define land situated in a congested district, county, or counties as a separate estate or a congested estate, and to purchase and re-sell the same and to purchase land for the benefit of a congested county, and re-sell the same shall be exercised and performed exclusively by the Estate Commissioners.

50.—(1) Where any powers and duties are transferred by this Part of this Act from one authority to another authority—

- (i) all property, whether real or personal (including easements and rights and things in action) held by or in trust for or vested in the first authority for the purpose or by virtue of those powers and duties, shall without any conveyance or assurance pass to and vest in the other authority subject to all debts and liabilities affecting the same; and
- (ii) the latter authority shall hold the property for the estate interest and purposes and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not passed so far as the same are not modified by or in pursuance of this Act; and
- (iii) all debts and liabilities of the first authority incurred by virtue of those powers and duties shall become debts and liabilities of the latter authority; and
- (iv) in any proceedings relating to those powers and duties and pending at the time of the transfer to which the first authority is a party, the latter authority shall be substituted for the first authority and the proceedings shall not abate by reason of the substitution; and
- (v) any reference to the first authority in any enactment, order, instrument, contract, or other document in

Clause 44—*continued.*

relation to those powers or duties shall, so far as is necessary for the exercise of those powers or the discharge of those duties, be construed as a reference to the latter authority.

(2) The expression "authority" in this section means the Congested Districts Board, the Department and the trustees of the Congested Districts Board.

Clause 45.

BY THE LORD MACDONNELL.

Page 22, line 37, after ("Ireland") insert ("and one Estates Commissioner")

line 39, leave out ("five") and insert ("seven")

Page 23, lines 1 to 4, leave out paragraph (c).

line 5, leave out ("two") and insert ("one") and leave out ("members") and insert ("member")

line 6, leave out ("members") and insert ("member")

line 9, leave out ("Each of,") and leave out ("members") and insert ("member")

Page 23, lines 23 to 26, leave out subsection (5) and insert the following new subsection :

(5) One half of the existing non-official members of the Congested Districts Board as existing at the date of the passing of this Act shall retire by lot on the appointed day, the second half shall in like manner retire on the expiry of one year from the appointed day ; members so retiring shall be eligible for re-appointment within the number of seven provided by this section.

BY THE LORD ATKINSON AND THE
LORD CLEMENTS (*E. Leitrim*).

Leave out clause 45.

(19)

Clause 47.

BY THE LORD ATKINSON AND THE
LORD CLEMENTS (*E. Leitrim*).

Leave out clause 47.

BY THE LORD MACDONNELL.

Leave out clause 47.

Clause 48.

BY THE LORD MACDONNELL.

Page 24, lines 16 to 35, leave out subsections (1), (2), (3), and (4) and insert the following new subsection—

(1) The council of any administrative county comprising a congested districts county may appoint a committee for any electoral division or smaller area in the congested districts county, consisting partly of members of their own body, and partly of other persons for the purpose of obtaining such information and furnishing such suggestions as the Board may require, and of generally assisting the Board in the relief of congestion in the congested districts county")

line 36, after ("Ireland") insert ("in consultation
" with the congested districts board ")

BY THE LORD ATKINSON AND THE
LORD CLEMENTS (*E. Leitrim*).

Leave out clause 48.

Clause 49.

BY THE LORD MACDONNELL.

Page 25, line 6, after the first ("of") insert ("fishing")

BY THE LORD MONTEAGLE OF BRANDON.

Page 25, line 7, after ("poultry") insert—

(d) The aiding and developing of sea fisheries")

(177 ††.)

C 2

Clause 49—*continued.*

BY THE LORD ATKINSON.

Leave out clause 49.

Clause 50.

BY THE LORD ATKINSON AND THE
LORD MONTEAGLE OF BRANDON.

Leave out clause 50.

BY THE LORD MACDONNELL.

Leave out clause 50.

Clause 51.

BY THE LORD BRODRICK (*V. Middleton*).

Page 25, line 22, leave out from (“Parliament”) to the end of the clause, and insert (“and shall be paid to the Allocation Joint Committee herein-after mentioned.

“(2) For the purposes of this part of this Act there shall be a committee, to be called the Allocation Joint Committee, consisting of nine persons, of whom three shall be members of the Congested Districts Board selected or appointed by that Board, three shall be persons appointed by the Department of Agriculture and Technical Instruction for Ireland, and three shall be the three Estates Commissioners for the time being.

“(3) The Allocation Joint Committee shall from time to time allocate the moneys placed at their disposal under this section, in such proportions as they deem best, to the Congested Districts Board, the Department of Agriculture, and the Estates Commissioners respectively, to be expended in any of the districts scheduled as congested districts, for any or all of the purposes for which moneys provided by Parliament are authorised to be expended by the Congested Districts Board (Ireland) Acts Provided, however, that neither the Congested Districts Board,

(9)

Clause 51—*continued.*

“ nor the Department of Agriculture, nor the Estates Commis-
 “ sioners shall be authorised to expend any of the moneys provided
 “ under this section upon any of such purposes, except so far as
 “ they respectively are at present, or may from time to time be,
 “ authorised to expend moneys on such purposes ”)

BY THE LORD ATKINSON.

Leave out clause 51.

After Clause 51.BY THE LORD BRODRICK (*V. Middleton*).

[*To be substituted for the amendment previously printed on the
 previous Marshalled List.*]

* Insert the following new clause :

52. The Allocation Joint Committee may from time to time make a representation to the Lord Lieutenant that it would be desirable that an existing congested districts county should no longer be scheduled as such, or that its area should be increased or diminished, or that some new area should be scheduled as a congested districts county, and the Lord Lieutenant by and with the advice of the Privy Council may thereupon take such representation into consideration, and if satisfied that the proposed new area complies with the conditions prescribed by the Congested Districts (Ireland) Acts, may, notwithstanding anything in any of said Acts, make such Order in Council thereon as they may deem right. Provided that this section shall only apply to administrative counties which at present contain one or more congested districts counties.

Clause 52.

BY THE LORD ATKINSON.

Leave out clause 52.

(177 §§.)

B

Clause 53.

BY THE LORD ASHBOURNE.

Page 26, line 28, leave out (" Order in Council ") and insert (" and with the advice of the Privy Council "), and leave out from (" may ") to (" make ") in line 35.

BY THE LORD MACDONNELL.

Page 26, line 32, leave out (" Administrative ") and after (" Committee ") insert (" appointed under section forty-eight ")
line 34, leave out (" members ") and insert (" member ")
lines 35 to 37, leave out (" or expedient for " carrying into effect this part of this Act ") and insert (" for the " audit of accounts ")

BY THE LORD ASHBOURNE.

[The following three amendments are substituted for the amendments printed on the previous Marshalled List.]

* Page 26, line 38, leave out (" in Council ") and insert (" made as aforesaid ")

* Page 27, line 9, leave out (" in Council ")

* line 10, after (" make ") insert (" by and with the " advice aforesaid ")

BY THE LORD MACDONNELL.

Page 26, line 38 to line 13 on page 27, leave out subsection (2).

BY THE LORD ATKINSON.

Leave out clause 53.

Clause 54.

BY THE LORD ATKINSON.

Leave out clause 54.

After Clause 54—continued.

save as otherwise provided in this section, or to expend any money in aiding or developing fishing.

(2) Where any congested estate situated in a congested districts county (or any estate so situated, for the sale of which an absolute order has been made under the Landed Estates Court (Ireland) Act, 1858) or any untenanted land, is required by the Congested District Board for the purposes of the Congested Districts Board (Ireland) Acts, as amended by this Act, the Board shall issue a requisition calling upon the Land Commission to take steps to acquire the estate or untenanted land:

(3) Upon the receipt of such requisition the Land Commission shall proceed to acquire the estate or land accordingly in the manner provided by Part II. and Part IV. of this Act, and shall thereafter make an order which shall be effectual to transfer to and vest in the Congested Districts Board such estate or untenanted land for all the rights acquired by the Land Commission therein.

Provided that, if the untenanted land be not situated in a congested districts county, the Land Commission, before making such an order as aforesaid in respect of such land, may sell such parcel or parcels thereof under the Land Purchase Acts to any tenant or proprietor of a congested holding on or immediately adjacent to such land as will raise such holding or holdings to a valuation of ten pounds, and shall make such order as aforesaid only in respect of the balance of such land remaining over after the sale of such parcel or parcels as aforesaid.

(4) Notwithstanding anything in this section, the Congested Districts Board may, for the purpose of the Congested Districts Board (Ireland) Acts, purchase the interests from the occupying tenant in any holding provided the tenant accept the price offered by the Board, otherwise the Board shall proceed to acquire such interest in the manner provided in Part IV. of this Act.

56. If at any time it appears to the Congested Districts Board that it is expedient to include under the provision of section 36 of the Purchase of Land (Ireland) Act, 1881 (which relates to the congested districts counties) an electoral division other than the divisions mentioned in subsection one of that section, or to exclude from that provision any electoral division it shall be lawful for the Lord Lieutenant to include or exclude, as the case may be, such division.

After Clause 54—continued.

section 36 of the Purchase of Land (Ireland) Act, 1881 (which relates to the congested districts counties) an electoral division other than the divisions mentioned in subsection one of that section, or to exclude from that provision any electoral division it shall be lawful for the Lord Lieutenant to include or exclude, as the case may be, such division.

Clause 55.

BY THE LORD MACDONNELL.

Page 27, line 38, leave out ("whether") and leave out ("or after")

Page 28, line 4, leave out from ("to") to the end of the subsection, and insert ("whomsoever they think fit having regard to the welfare of the locality")

lines 7 to 11, leave out subsection (3).

line 15, after ("section") insert ("Provided further that this subsection shall not apply to any land which is subject to a land purchase annuity")

BY THE LORD ATKINSON AND THE
EARL OF SHAFTESBURY.

Leave out clause 55.

Clause 56.

BY THE LORD MACDONNELL.

Page 28, line 18, leave out ("by") and insert ("for")

BY THE LORD ATKINSON.

Leave out clause 56.

Clause 57.

BY THE LORD ATKINSON.

Leave out clause 57.

(13)

Clause 58.

BY THE LORD MACDONNELL.

Page 28, line 33, after (" Act ") insert (" The Land Com-
" mission on requisition from ")

BY THE LORD ATKINSON.

Leave out clause 58.

Clause 59.

BY THE LORD ATKINSON, THE LORD ASHBOURNE,
AND THE LORD MACDONNELL.

Leave out clause 59.

Clause 60.BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 29, line 24, leave out (" a congested ") and insert
(" an ")

BY THE LORD ATKINSON AND THE
LORD ASHBOURNE.

Leave out clause 60.

Clause 61.

BY THE LORD ATKINSON, THE LORD BRODRICK
(*V. Middleton*), THE LORD CLANWILLIAM
(*E. Clanwilliam*), AND THE LORD MACDONNELL.

Leave out clause 61.

Clause 62.

BY THE LORD ATKINSON, THE LORD CLANWILLIAM
(*E. Clanwilliam*), AND THE LORD MACDONNELL.

Leave out clause 62.

Clause 63.

BY THE LORD MACDONNELL.

Page 30, line 2, after (“made”) insert (“by the Land
“ Commission on a requisition from the Congested Districts
“ Board ”)

line 5, leave out (“Congested Districts Board
“ may ”) and insert (“Land Commission shall”), and leave out
 (“they think fit”) and insert (“moved thereto by the Congested
“ Districts Board ”)

line 12, leave out (“Congested Districts Board ”)
and insert (“Land Commission ”)

lines 12 and 13, leave out (“with the substitution
“ of the Congested Districts Board for the Estates Commission ”)

line 16, after (“sent”) insert (“on requisition ”)

line 20, leave out (“Congested Districts Board ”)
and insert (“Land Commission ”)

BY THE LORD ATKINSON, THE LORD BRODRICK
(*V. Middleton*), AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 63.

Clause 64.

BY THE LORD MACDONNELL.

Page 31, after subsection (4) insert the following new
subsection—

(5) Section seventy-nine (1) of the Act of 1903 shall cease to
have effect on the passing of this Act.

BY THE LORD BRODRICK (*V. Middleton*), THE
LORD CLANWILLIAM (*E. Clanwilliam*), AND
THE LORD CASTLETOWN.

Leave out clause 64.

(5)

Clause 66.

BY THE LORD BRODRICK (*V. Middleton*) AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 66.

Clause 67.

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*)
AND THE LORD CLONCURRY.

Leave out clause 67.

After Clause 67.

BY THE LORD CLANWILLIAM (*E. Clanwilliam*).

Insert the following new clause :

68. Where a number of the tenants on an estate have not agreed before the specified date to the terms of purchase arranged with the other tenants, the Estates Commissioners may order, subject to the consent of the Treasury, that the tenants so refusing shall not be placed in a less advantageous position with regard to the rate of advance than the tenants who had previously agreed to purchase, and that the percentage payable on the purchase money of any such transaction shall be calculated on the same basis as for the rest of the estate.

Clause 69.

BY THE LORD ATKINSON.

Page 34, line 37, leave out ("in the occupation of") and insert ("acquired by a tenant under the provisions of the Irish " Church Act, 1869, or purchase under the Land Purchase Acts, as " same are defined by the Redemption of Rent (Ireland) Act, " 1891, the Irish Land Act, 1903, and this Act, on land of an " annual rateable value not exceeding two hundred pounds,

Clause 69.

BY THE LORD ATKINSON.

Page 34, line 37, leave out ("in the occupation of") and insert ("acquired by a tenant under the provisions of the Irish Church Act, 1869, or purchase under the Land Purchase Acts, as same are defined by the Redemption of Rent (Ireland) Act, 1891, the Irish Land Act, 1903, and this Act, not exceeding two hundred acres in extent occupied and cultivated as a farm according to a reasonable and proper course of husbandry or according to the course of husbandry usual in the district in which the same is situated by")

Page 35, line 1, after ("shall") insert ("not")

BY THE LORD DUNBOYNE AND THE
LORD CASTLETOWN.

Leave out clause 69.

In the Schedules.

First Schedule.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 36, line 29, after ("land") insert ("and in any case where the amount advanced is less than the purchase money")

BY THE LORD ORANMORE AND BROWNE.

Page 36, line 31, leave out ("in manner prescribed by the Treasury") and insert—

- (a) In the case of land that has been let for periods of less than one year, or that has been let for purposes of agistment for any period, at the rent or annual sum that has been paid for same on an average of the preceding five years;
- (b) In the case of land that has not been so let, the rent thereof (for the purpose of estimating the number of years purchase) shall be taken to be (at the option of the vendor) either—
 - (1) the average net annual profit for the preceding five years, as shown by the vendor's accounts; or

(17)

First Schedule—continued.

(2) the fair annual value thereof, to be ascertained by arbitration, as nearly as may be, in the manner provided by section twenty-five of the schedule of the Landlord and Tenant (Ireland) Act, 1870.

Second Schedule.

BY THE LORD MACDONNELL.

Page 37, third column, after line 30 insert—

“ 1 Edw. 7. c. 34	“ The Congested “ Districts “ Board (Ire- “ land) Act, “ 1901.	“ Section seventy-nine, subsection (1).” “ Section 12 (2), first proviso, the words ‘ with “ ‘ with the consent of a tenant.’ ” “ Section 1 (2), the words ‘ on the same or an “ ‘ an adjacent or neighbouring estate.’ ”
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Irish Land Bill.

FIFTH MARSHALLED LIST
OF AMENDMENTS TO
BE MOVED IN COMMITTEE.

7th October 1909.

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(177 III.)

Irish Land Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

*[The amendments marked with a * are now printed
for the first time.]*

After Clause 54.

BY THE LORD MACDONNELL.

* Insert the following new clause :

(A). If at any time it appears expedient to the Lord Lieutenant, acting by and with the advice of the Privy Council, to include under the provisions of section thirty-six of the Purchase of Land (Ireland) Act, 1891, an electoral division or any part thereof other than the divisions already scheduled as congested under that section, or to exclude from that provision any electoral division, or part thereof, which is now included, it shall be lawful for him to include or exclude, as the case may be, such division, or part thereof :

Provided that no division, or part thereof, shall be included which is not situated in an administrative county which contains a congested districts county.

Clause 55.

BY THE LORD MACDONNELL.

Page 27, line 38, leave out ("whether") and leave out ("or after")

Page 28, line 4, leave out from ("to") to the end of the subsection, and insert ("whomsoever they think fit having regard to the welfare of the locality")

(177 ¶¶.)

A

Clause 55—continued.

BY THE LORD ORANMORE AND BROWNE.

Page 28, line 5, after (“ county ”) leave out to end of line 6 and insert (“ provided that no such holding thereby created or enlarged shall be made to exceed ten pounds in rateable value ”) line 6, leave out (“ ten ”) and insert (“ five ”)

BY THE LORD MACDONNELL.

Page 28, lines 7 to 11, leave out subsection (3).

BY THE LORD ATKINSON AND THE
EARL OF SHAFTESBURY.

Leave out clause 55.

Clause 56.

BY THE LORD MACDONNELL.

[*The following three amendments are substituted for the amendment which was printed on the previous Marshalled List.*]

* Page 28, line 18, after (“ by ”) insert (“ the Land Commission on a requisition from ”)

* line 21, leave out (“ Board ”) and insert (“ Land Commission ”)

* line 23, leave out (“ Board ”) and insert (“ Land Commission ”)

BY THE LORD ATKINSON.

Leave out clause 56.

Clause 57.

BY THE LORD ATKINSON.

Leave out clause 57.

(3)

Clause] 58.

BY THE LORD MACDONNELL.

Page 28, line 33, after (" Act ") insert (" The Land Com-
" mission on requisition from ")

BY THE LORD ATKINSON.

Leave out clause 58.

Clause 59.BY THE LORD ATKINSON, THE LORD ASHBOURNE,
AND THE LORD MACDONNELL.

Leave out clause 59.

Clause 60.BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 29, line 24, leave out (" a congested ") and insert
(" an ")

BY THE LORD ATKINSON AND THE
LORD ASHBOURNE.

Leave out clause 60.

Clause 61.BY THE LORD ATKINSON, THE LORD BRODRICK
(*V. Middleton*), THE LORD CLANWILLIAM
(*E. Clanwilliam*), AND THE LORD MACDONNELL.

Leave out clause 61.

After Clause 63.

BY THE LORD MACDONNELL.

* Leave out Part IV. and insert the following new Part :

PART IV.

ACQUISITION OF LAND FOR THE RELIEF OF CONGESTION BY
AGREEMENT AND OTHERWISE THAN BY AGREEMENT.

Purchase by
voluntary
agreement.

(A). The Land Commission acting on a requisition from the Congested Districts Board in accordance with the provisions of section of this Act, shall have power to purchase for the Board, by agreement, in the manner provided by this part of this Act—

- (a) Any congested estate which is situated in a congested districts county ;
- (b) Any untenanted land, which is required by the Congested Districts Board for the relief of congestion on any congested estate purchased or proposed to be purchased for them.

(B).—(1) On receipt from the Congested Districts Board of the requisition aforesaid, the Land Commission shall propose to the person who appears to them to be the owner of the congested estate or untenanted land as aforesaid to enter into negotiations with him for the purchase of such estate or untenanted land, and if the owner agrees to enter into negotiations, may depute inspectors or other persons appointed by them to ascertain the boundaries, extent, and character of the estate or untenanted land which they propose to purchase, and to estimate the price to be offered for the same, and to make all other such inquiries and do all such things as may be necessary for the purpose aforesaid.

(2) When the Land Commission shall have completed the enquiries specified in the preceding subsection, they shall, without unnecessary delay, make to the owner or owners an offer in writing for the purchase of the estate or untenanted land, and such offer shall contain the following particulars—

- (a) A description of the estate or untenanted land to which the offer relates ;
- (b) The amount of the price which the Estates Commissioners are willing to give for the estate or untenanted land, subject—
 - (i) to any public rights affecting the estate or untenanted land ;

(5)

After Clause 63—continued.

other persons appointed by them to ascertain the boundaries, extent, and character of the estate or untenanted land which they propose to purchase, and to estimate the price to be offered for the same, and to make all other such inquiries and do all such things as may be necessary for the purpose aforesaid.

(2) When the Land Commission shall have completed the enquiries specified in the preceding subsection, they shall, without unnecessary delay, make to the owner or owners an offer in writing for the purchase of the estate or untenanted land, and such offer shall contain the following particulars—

- (a) A description of the estate or untenanted land to which the offer relates;
- (b) The amount of the price which the Estates Commissioners are willing to give for the estate or untenanted land, subject—
 - (i) to any public rights affecting the estate or untenanted land;
 - (ii) to any maintenance charges under the Public Works Acts; and (in the case of an estate);
 - (iii) to any interests of the tenants or of persons having any claims upon those interests, and to any easements, rights, and appurtenances mentioned in section thirty-four of the Act of 1896;

but save as aforesaid, and subject to the provisions of the Act of 1903 with respect to minerals discharged from the claims of all persons who are interested in the estate or untenanted land, whether in respect of superior or intervening interests or incumbrances or otherwise; and

- (c) The time within which the offer may be accepted;

If within the prescribed time the offer is accepted in writing by any person who within the prescribed period satisfies the Estates Commissioners that he may be dealt with as the owner of the estate or untenanted land under section seventeen of the Act of 1903, the offer and acceptance shall, as from the date upon which the Estates Commissioners certify that they are so satisfied, have the same effect as an agreement for the purchase of the estate or untenanted land under the said Act as amended by this

After Clause 63—continued.

Act, and the like consequences shall ensue and the like proceedings shall be carried on as in the case of such an agreement, save that the advance for the purpose of the purchase shall, notwithstanding anything to the contrary in this Act, be made by means of money and not by means of stock, except in cases where the vendor agrees to accept in lieu of cash an amount of guaranteed *three per cent.* stock equal in nominal amount to the sum to be advanced, and carrying dividends as from the date of the advance, and the Estates Commissioners agree that the advance shall be made in that manner.

Purchase by
compulsory
process.

(C).—(1) In the following cases, namely—

(a) When the proposal to negotiate made by the Land Commission in accordance with subsection (1) of the last preceding section has been rejected by the owner to whom it was addressed; or

(b) When the offer of a price made by the Land Commission in accordance with subsection (2) of the last preceding section has been refused by the owner to whom it was addressed, the Land Commission shall, if the Congested Districts Board do not signify their wish to withdraw their requisition, proceed in the manner described in the following subsections of this section to acquire compulsorily the congested estate as aforesaid, or the untenanted land if such untenanted land is situated within the congested districts county of Donegal, or within any administrative county, other than Donegal, containing a congested districts county.

For the purpose of this section the West Riding of Cork shall be regarded as an administrative county.

(2) The Land Commission shall publish in the "Dublin Gazette" a notice of their intention to acquire the estate or untenanted land compulsorily for the purposes of the Congested Districts Board, and in such notice shall specify the prescribed particulars so far as they are known with respect to the land, and may call on all persons interested in the estate or untenanted land, or on the tenants thereof to furnish information on all such particulars, and shall also call upon any persons interested in the

After Clause 63—continued.

land who may object to the acquisition thereof to lodge in the offices of the Land Commission within the prescribed period a statement of the grounds of their objection.

(3) At any time after the publication of the aforesaid notice any inspector and other persons appointed by the Land Commission may enter upon the land and do all such things as may be necessary for the purpose of enabling the Land Commission to estimate the price to be offered for the land.

(4) A copy of the aforesaid notice shall be served by the Land Commission as soon as may be in the prescribed manner upon the person who appears to them to be the owner and upon all persons known or believed by them to be interested in the estate or untenanted land.

(5) If it appears to the Land Commission, after considering the report of their inspector or other person or persons deputed by them to make the inquiries aforesaid, and after having heard and determined any objections to the acquisition of the land lodged as aforesaid, that no valid objection has been raised to such acquisition, they shall make an offer to the owner for the purchase thereof, discharged from the claims of all persons interested therein whether in respect of superior or intervening interests or incumbrances or otherwise at such price as appears to the Land Commission to be reasonable.

(6) The Land Commission shall upon making such offer give notice in the prescribed manner to all persons known or believed by them to be interested in the land of their intention to acquire the same at the aforesaid price unless within the prescribed period of application is made to the Court under this section by any person interested.

(7) Any person interested in the land who is dissatisfied with the price offered, may within the prescribed period and in the prescribed manner apply to the Court to fix the price to be paid for the land.

(8) If the land proposed to be acquired is untenanted land, any person interested therein who objects to the acquisition thereof under this part of this Act, on the ground that the land or any part thereof is land of a character which cannot be so acquired compulsorily, may within the prescribed time and in the prescribed manner apply to the Court for an order that no further proceedings

After Clause 63—continued.

be taken for the acquisition of the land or of such part thereof as aforesaid.

(9) The Court shall have power to hear and determine all such applications and all questions of law and fact arising thereon, and make such orders as to costs as they think fit, and the decision of the court shall be final.

(10) For the purposes of this section, "the court" means a court constituted of the Judicial Commissioner and two Judges of the King's Bench Division of the High Court, to be nominated by the Lord Lieutenant.

(11) Subject to any application duly made to the court under this section, and the determination of all questions arising thereon, the Land Commission shall proceed with the purchase of the land, and shall lodge the purchase money in the Bank of Ireland within the prescribed time.

Restriction
on the
acquisition
of land.

(D). No land shall be acquired compulsorily under this Act which—

- (a) Is or has been subject to a Land Purchase Annuity : or
- (b) Is or forms part of any demesne, plantation, home farm, garden or pleasure ground, or recreation ground, or which is used for any purpose of public utility, local or general.

Clause 64.

BY THE LORD BRODRICK (*V. Middleton*), THE
LORD CLANWILLIAM (*E. Clanwilliam*), AND
THE LORD CASTLETOWN.

Leave out clause 64.

BY THE LORD ATKINSON.

* Leave out clause 64 and insert the following new clauses :

64. Where the Congested Districts Board are of opinion that it is desirable to acquire land for the purpose of relieving congestion in any portion of a congested districts county, by adding to the holding of any proprietor or tenant of a holding therein of a rateable value of less than ten pounds, such parcel or parcels of

Clause 64—continued.

land, as will, when added to such holding raise the rateable value thereof, so far as the same can at the time of such addition be reasonably estimated, to the sum of ten pounds, or by providing a holding for a person who has surrendered his holding for the purpose of relieving congestion, and are satisfied that land sufficient and suitable for that purpose cannot be acquired on their behalf by voluntary agreement at a reasonable price, they may submit to the Lands Commission a scheme setting forth the lands which they propose should be acquired compulsorily for the purposes aforesaid on their behalf, the extent, nature, boundaries, and condition thereof, and the names of the person or persons by whom the same owned, occupied, or used, and enjoyed, the mode in which it is used, worked, or cultivated, together, as far as reasonably practicable, with the names of the person or persons to whom as a tenant or proprietor, or as tenants or proprietors of a holding or holdings of less rateable value than ten pounds; they propose that a parcel or parcels of the said lands should be sold, and the rateable value of such holdings, and also the names of the person or persons, if any, who has or have surrendered his or their holdings as aforesaid, and the nature, extent, situation, and rateable value of the same, together with the rateable value, so far as the same can be reasonably estimated, of the parcel or parcels of the said lands which they propose should be sold to each of the above-mentioned persons respectively, with such further and other particulars as may be prescribed. An authentic copy of such scheme, signed by the Secretary of the Board, shall be lodged in the offices of the Land Commission in the time and manner prescribed, together with a statement under the hand of the aforesaid Secretary, setting forth the facts which, in the opinion of said Board, establish that the land sufficient and suitable for the aforesaid purpose, cannot be acquired by voluntary purchase at a reasonable price.

65. The Judicial Commissioner, together with two of the Estates Commissioners, shall inquire into the merits of the said scheme, and if satisfied that it is *prima facie* necessary that the land therein mentioned should be acquired compulsorily for the purposes therein set forth, shall proceed to acquire the same compulsorily in manner hereinafter provided—

- (1) The Estates Commissioners shall publish in the "Dublin Gazette" a notice containing the prescribed particulars
(177 ***)

B

Clause 64—*continued.*

with respect to the lands proposed to be acquired, and calling upon any person interested in the same who may object on any ground to the acquisition thereof compulsorily under this section to lodge in the office of the Land Commissioner, within the prescribed time, a statement on the grounds of his or her objections :

- (2) A copy of the aforesaid notice shall be served by the Estates Commissioners so soon as may be, in the prescribed manner, upon any person who appears to them to be the owner or an owner of the said land or any part thereof, and upon all persons known or believed by them to be interested therein :
- (3) At any time after the publication of the aforesaid notice, any inspectors of the Estates Commissioners or other persons appointed by them in that behalf may enter upon the land and do all such things as may be necessary for the purpose of enabling the three Commissioners aforesaid to determine whether the said land is suitable for the purpose for which it is sought to be acquired :
- (4) If no objection has been made by any of the persons aforesaid to the acquisition thereof under this Act, or any such objection, if made, has been withdrawn, the Estates Commissioners may make an order that on payment into the Bank of Ireland of the compensation for the lands taken and also for any other land of the same owner or owners injuriously affected (such compensation to be ascertained in the manner hereinafter provided), the said land, or such portion thereof as they shall specify, shall vest in the Land Commission :
- (5) If an objection has been made and has not been withdrawn, the same shall be inquired into, heard, and determined in open court, the parties interested having been given an opportunity of being heard by a tribunal hereinafter called the tribunal, composed of the Judicial Commissioner and such one of the two Estates Commissioners, who shall have, in the first instance, considered the scheme as the Estates Commissioners shall themselves select, together with the Judge of the King's Bench Division of the High Court who is next in order on the

Clause 64—continued.

rota mentioned in section two, subsection eleven, of the Evicted Tenants (Ireland) Act, 1907. The said last-mentioned Judge shall preside :

- (6) If every objection so made should be over-ruled, an order may be made by this tribunal similar to that which may be made by the aforesaid Commissioners where no objection has been made, and in addition, costs not exceeding thirty pounds in amount may be awarded to any person appearing to sustain or oppose any objection, same to be paid by the Land Commission :
- (7) If every objection so made and not withdrawn shall not be over-ruled, then, subject to the appeal hereinafter mentioned, no further proceedings shall be taken without the consent of the Judicial Commission to acquire the said lands compulsorily for a period of five years :
- (8) An appeal shall lie to the Court of Appeal from any decision of the said tribunal on any question of law, or mixed question of law and fact. The Court of Appeal shall have jurisdiction and power, on the hearing of the appeal, to make any order, including an order as to cost, which the tribunal could have made, and the same consequences shall follow upon the making of such an order as would have followed if the same had been made by the said tribunal :
- (9) The decision of the Court of Appeal shall be final :
- (10) Upon the making of an order by the aforesaid tribunal or by the Court of Appeal over-ruling all objections, or of the making of an order by the said Commissioners where no objection has been made, or if made has been withdrawn, or within a reasonable time thereafter the compensation payable in respect of the lands taken or injuriously affected or shall be determined in the manner prescribed by a single arbitrator appointed by the Commissioners of Public Works in Ireland, on the principles on which compensation is awarded for lands taken compulsorily under the Lands Clauses Acts.

66. The Congested Districts Board may at any time, with the consent of the tribunal, and on such terms as to payment of cost

Clause 64—continued.

and otherwise as the latter may deem fit to impose, modify the scheme so lodged by them to meet any objection raised thereto.

The Court of Appeal may in cases pending before it on appeal permit the said scheme to be modified on similar terms.

67. Land shall not be acquired compulsorily under the provisions of the preceding sections which—

- (1) Is situate without an administrative county containing a congested districts county. For the purpose of this subsection the west riding of the county of Cork shall be deemed an administrative county :
- (2) Or what has been acquired by a tenant under the provisions of the Irish Land Act, 1869, or purchased under the Land Purchase Acts as defined by the Redemption of Rent (Ireland) Act, 1891, the Irish Land Act, 1903, or this Act ;
- (3) Or which is in the occupation of an owner within the meaning of the aforesaid Land Purchase Acts, and is, or forms part of a demesne, garden, pleasure garden, or home farm ;
- (4) Or which is of an annual rateable value not exceeding two hundred pounds, and is occupied and cultivated as a farm according to a reasonable course of husbandry by a person holding under a fee-farm grant, or a lease for lives renewable for ever, or for a term of years of which not less than sixty are unexpired.

68. Land shall not be acquired compulsorily for the purpose of being sold, nor shall it, if so acquired, be sold to any person or persons other than those hereinbefore mentioned, and under the conditions and restrictions hereinbefore set forth.

Clause 65.

BY THE LORD BRODRICK (*V. Middleton*) AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 65.

(13)

Clause 66.

BY THE LORD BRODRICK (*V. Middleton*) AND THE
LORD CLANWILLIAM (*E. Clanwilliam*).

Leave out clause 66.

Clause 67.

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*)
AND THE LORD CLONCURRENCY.

Leave out clause 67.

After Clause 67.

BY THE LORD CLANWILLIAM (*E. Clanwilliam*).

Insert the following new clause :

68. Where a number of the tenants on an estate have not agreed before the specified date to the terms of purchase arranged with the other tenants, the Estates Commissioners may order, subject to the consent of the Treasury, that the tenants so refusing shall not be placed in a less advantageous position with regard to the rate of advance than the tenants who had previously agreed to purchase, and that the percentage payable on the purchase money of any such transaction shall be calculated on the same basis as for the rest of the estate.

Clause 69.

BY THE LORD ATKINSON.

Page 34, line 37, leave out ("in the occupation of") and insert ("of an annual rateable value not exceeding two hundred " pounds, occupied and cultivated as a farm according to a reason-
" able and proper course of husbandry or according to the course
" of husbandry usual in the district in which the same is situated
" by ")

Page 35, line 1, after (" shall ") insert (" not ")

Clause 69—continued.

BY THE LORD CLONCURRY.

* Page 35, line 3, after (“land”) insert (“subject, however, to the provisions of section seven of the Evicted Tenants (Ireland) Act, 1907”)

BY THE LORD DUNBOYNE AND THE
LORD CASTLETOWN.

Leave out clause 69.

In the Schedules.

First Schedule.

BY THE LORD MONTEAGLE OF BRANDON.

* Page 36, line 3, leave out from (“be”) to the end of the schedule and insert (“an amount equivalent to two years’ purchase of the income of the estate or untenanted land”)

(2) The income of the estate or untenanted land shall be calculated in manner provided by the Treasury.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 36, line 29, after (“land”) insert (“and in any case where the amount advanced is less than the purchase money”)

BY THE LORD ORANMORE AND BROWNE.

Page 36, line 31, leave out (“in manner prescribed by the Treasury”) and insert—

- (a) In the case of land that has been let for periods of less than one year, or that has been let for purposes of agistment for any period, at the rent or annual sum that has been paid for same on an average of the preceding five years;
- (b) In the case of land that has not been so let, the rent thereof (for the purpose of estimating the number of

(15)

First Schedule—continued.

years purchase) shall be taken to be (at the option of the vendor) either—

(1) the average net annual profit for the preceding five years, as shown by the vendor's accounts; or

(2) the fair annual value thereof, to be ascertained by arbitration, as nearly as may be, in the manner provided by section twenty-five of the schedule of the Landlord and Tenant (Ireland) Act, 1870.

Second Schedule.

BY THE LORD MACDONNELL.

Page 37, third column, after line 30 insert—

“ 1 Edw. 7. c. 34	“ The Congested “ Districts “ Board (Ire- “ land) Act, “ 1901.	“ Section 1 (2), the words ‘on the same or an “ ‘ adjacent or neighbouring estate. ’ ”
“ 3 Edw. 7. c. 37	“ Irish Land Act, “ 1903.	“ Section seventy-nine, subsection (1).” “ Section 12 (2), first proviso, the words ‘ with “ ‘ the consent of a tenant.’ ”

Irish Land Bill.

SEVENTH MARSHALLED LIST
OF AMENDMENTS TO
BE MOVED IN COMMITTEE.

11th October 1909.

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(177 ***.)

Irish Land Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

PART I.

LAND PURCHASE FINANCE.

Clause.

1. Alteration of amount of purchase annuity and of rate of interest payable to National Debt Commissioners.
2. Power to raise new guaranteed three per cent. stock, and provision as to investment by savings bank depositors in stock.
3. Power to make advances by guaranteed stock under certain circumstances.
4. Temporary borrowing by bills or bonds.
5. Amendment of provisions as to percentage.
6. Provision as to making good deficiency in respect of stock issued at a discount.
7. Bonus dividend to be treated as expenses of issue of stock.
8. Advance dividend.
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12. Interpretation.
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16. Trustees for the purposes of turbary, pasture, &c.
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18. Congested estates.
19. Powers for facilitating re-sales.
20. Power of Land Commission to determine disputes between tenants of holdings.
21. Power to exchange tenancies.

(197.)

A

Clause.

22. Amendment of 59 & 60 Vict. c. 47. s. 35.
23. Certain powers and duties of Land Commission to be exercised by Estates Commissioners.
24. Delegation of powers of Estates Commissioners.
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28. Provision as to money spent by Land Commission on improvements of estates purchased by them.
29. Expenses of improvements by Land Commission on land sold by landlord to tenant.
30. Amendment of 3 Edw. 7. c. 37. s. 48 (4).
31. Amendment of 3 Edw. 7. c. 37. s. 54.
32. Recovery of interest.
33. Extension of 3 Edw. 7. c. 37. s. 69 (2).
34. Payments out of interest on purchase money before vesting.
35. Amendment of 7 Edw. 7. c. 38.
36. Powers of investment.
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41. Provisions consequential on transfer of powers and duties.
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43. Grant of superannuation allowances by Congested Districts Board.
44. Acquisition of land by Congested Districts Board.
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46. Sales of parcels of land by Congested Districts Board.

[9 Edw. 7.]

Irish Land.

iii

PART IV.

COMPULSORY PURCHASE.

Clause.

47. Scheme for compulsory purchase to be submitted to Land Commission by Congested Districts Board.
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A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto. A.D. 1909.

BE it enacted by the King'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:—

5

PART I.

LAND PURCHASE FINANCE.

10 1.—(1) In the case of advances made in pursuance of future purchase agreements, three pounds ten shillings shall be substituted for three pounds five shillings as the rate of the purchase annuity under section forty-five of the Irish Land Act, 1903 (in this Act referred to as the Act of 1903).

Alteration of amount of purchase annuity and of rate of interest payable to National Debt Commissioners. 3 Edw. 7. c. 37.

15 (2) So far as respects advances made for future purchase agreements, the rate of interest to be paid by the Land Commission to the National Debt Commissioners under section thirty-six, and by the Congested Districts Board to the Land Commission under section seventy-two of the Act of 1903, shall be three per cent. per annum, instead of two-and-three-quarters per cent. per annum.

20 (3) The National Debt Commissioners shall, in the accounts kept by them of the Irish Land Purchase Fund, distinguish between advances made in pursuance of pending purchase agreements and advances made in pursuance of future purchase agreements.

25 2.—(1) The power of the Treasury to create stock for the purpose of raising money required for the Irish Land Purchase Fund (including the Land Purchase Aid Fund) shall include (197.)

Power to raise new guaranteed three per cent. stock,

A.D. 1909.
and pro-
vision as to
investment
by savings
bank de-
positors in
stock.

power to create a new capital stock to be called guaranteed three per cent. stock, and the Treasury may at any time create for that purpose either guaranteed two-and-three-quarters per cent. stock or guaranteed three per cent. stock as they think fit.

(2) The provisions of the Act of 1903, relating to stock 5 shall apply to guaranteed three per cent. stock created under this section as they apply to the guaranteed two-and-three-quarters per cent. stock created under that Act, with the substitution of three per cent. for two-and-three-quarters per cent. as the rate of dividend, and of thirty years from the passing of this Act for 10 thirty years from the commencement of the Act of 1903, as the period after the expiration of which the stock is redeemable.

56 & 57 Vict.
c. 69.

(3) The definition of Government stock in subsection (2) of section five of the Savings Bank Act, 1893, shall be read as if stock issued under the Act of 1903 or this Act were included 15 in the First Schedule to the said Savings Bank Act, 1893.

Power to
make ad-
vances by
guaranteed
stock under
certain cir-
cumstances.

3.—(1) Notwithstanding anything in section twenty-seven of the Act of 1903, advances for the purposes of the Land Purchase Acts may, subject to the provisions of this section, be made in whole or in part by means of stock in the manner and under 20 the circumstances for which provision is made by this section.

(2) For the purpose of carrying into effect pending purchase agreements advances may, if the vendor agrees, be made by means of the issue to the prescribed persons, in the prescribed manner, and subject to the prescribed conditions, of such an amount of guaranteed two-and-three-quarters per cent. stock, as, at the market price of the day of issue (as certified in the prescribed manner) is equivalent to the sum to be advanced if that price is not below ninety-two pounds (ex-dividend) for an amount of stock of the nominal value of a hundred pounds, or 25 if the stock is below that price by the issue of such an amount of stock as would be equivalent to the sum to be advanced if the stock were at that price. 30

(3) For the purpose of carrying into effect future purchase agreements advances may, if the Treasury think fit so to direct, 35 be made by means of the issue of an amount of guaranteed three per cent. stock equal in nominal amount to the sum to be advanced and carrying dividends as from the date of the advance.

(4) Stock issued in pursuance of this section as the equivalent of an advance shall, as between the vendor and the purchaser, be 40 accepted by the vendor as the equivalent of the corresponding amount of purchase money, and a vendor, although he is not an

absolute owner, may agree to advances being made by stock under this section for the purpose of carrying out any pending purchase agreements, and any person having power to sell under the Land Purchase Acts, although he is not an absolute owner, 5 may enter into any future purchase agreement, notwithstanding that the purchase money may be payable in stock in pursuance of this section instead of in cash.

4.—(1) Any money which may be raised by the creation of stock under the Act of 1903 or this Act may be temporarily raised 10 by the issue of bills or bonds in such form and for such period not exceeding seven years, and bearing such rate of interest not exceeding three per cent. as the Treasury may determine.

A.D. 1909.
—
Temporary
borrowing
by bills or
bonds.

(2) The interest on or in respect of any such bills or bonds shall be charged and paid in the same manner as the dividends 15 on stock under section twenty-nine of the Act of 1903, and the provisions of that Act respecting the income account of the Irish Land Purchase Fund shall apply as if the interest on or in respect of the bills or bonds were dividends on stock.

(3) The principal money of any such bills or bonds shall, 20 subject to the provisions of this Act, be repaid out of the Irish Land Purchase Fund, and, if the Capital Account of that Fund is insufficient, shall be charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Stock or fresh bills or bonds may be issued for the purpose 25 of raising the principal money required when necessary.

(4) Subsections (6) and (7) of section thirty-six of the Act of 1903 (which relate to the deficiency arising from the issue of stock at a discount and the surplus arising from the issue of stock at a premium), shall apply in the case of the issue of bills or bonds 30 under this section as they apply in the case of the issue of stock.

5.—(1) The percentage payable under section forty-eight of the Act of 1903 shall be calculated at the rates specified in the First Schedule to this Act, and for the purposes of that section the percentage at the rates so specified shall be deemed to be 35 the percentage under that section:

Amendment
of provisions
as to per-
centage.

Provided that the percentage payable on the purchase money of an estate, which consists of or includes lands in respect of which there are purchase agreements entered into or deemed in pursuance of this section to have been entered into on or before 40 the twenty-fourth day of November nineteen hundred and eight shall (so far as the percentage is payable in respect of the purchase of those lands) be calculated at the rate of twelve per cent. instead of being calculated under this section.

- A.D. 1909. — (2) An agreement for the purchase of any estate or land, though not entered into on or before the twenty-fourth day of November nineteen hundred and eight, shall be deemed, for the purposes of this section, to be a purchase agreement entered into on or before that date, where on or before that date— 5
- (a) the vendor has lodged an originating request in manner provided by rules made under the Act of 1903 with a view to the purchase of the estate or land by the Land Commission under section six of that Act or by the Congested Districts Board under section seventy-nine of that Act; or 10
- (b) the vendor has accepted a preliminary estimate of price made by the Land Commission with a view to the purchase of the estate or land under sections six or eight of the Act of 1903, or entered into a preliminary agreement with the Congested Districts Board with a view to the purchase of the estate or land under section seventy-nine of that Act; or 15
- (c) the Land Judge in the course of proceedings in which the estate or land is eventually sold to the Land Commission under section seven, or to the Congested Districts Board under section seventy-seven of the Act of 1903, has caused the Commission or Board to be furnished with particulars and documents respecting the estate or land in pursuance of either of these sections; or 25
- (d) the Estates Commissioners have made an offer for the purchase of the estate or land under subsection (4) of section two of the Evicted Tenants (Ireland) Act, 1907. 30
- (3) So much of section forty-seven of the Act of 1903 as limits the total of the sums payable to the Land Purchase Aid Fund to twelve million pounds shall cease to have effect.

Provision as to making good deficiency in respect of stock issued at a discount.

6.—(1) The charge on the Guarantee Fund for any deficiency in respect of the issue of stock or bills or bonds at a discount shall extend only to the amount of the Ireland Development Grant which forms part of the cash portion of that fund; and the deficiency, so far as is not made good out of that amount, shall be made good out of moneys provided by Parliament. 35

(2) Any deficiency in respect of interest or sinking funds arising by reason of money being raised by means of three per cent. stock for the purpose of advances in respect of which interest is payable by the Land Commission to the National Debt Commis- 40

sioners at the rate of two-and-three-quarters per cent. only shall be made good in the same manner as a deficiency arising in respect of the issue of stock at a discount is to be made good under subsection (6) of section thirty-six of the Act of 1903, as amended by this section. A.D. 1909.

7.—(1) Where stock is created for the purposes of the Land Purchase Acts, and issued under conditions which provide that the money to be raised thereby shall be paid up by instalments, dividends may be paid on the total nominal amount of the stock from any date fixed at the time of issue, although the instalments, or some or one of them, may not have been payable until after that date; and if the amount so paid by way of dividend exceeds the sum which would have been payable on the portion of the stock representing the money actually paid up, the difference shall be treated as part of the expenses of the issue of the stock. Bonus dividend to be treated as expenses of issue of stock.

(2) This section shall apply to any stock created and issued since the first day of July nineteen hundred and eight, as well as to stock issued after the passing of this Act.

8.—(1) Any person to whom an advance is made after the passing of this Act shall pay on the first gale day on which any payment in respect of the advance is due (in addition to the interest, or instalment of purchase annuity, due on that day), interest on the advance in respect of the period between the said gale day and the day on which the next dividends are payable in respect of the stock issued under the Act of 1903 or this Act. Advance dividend.

(2) The interest payable shall be at the rate at which the Land Commission pay interest to the National Debt Commissioners in respect of the advance, and shall be recoverable as if it were part of the purchase annuity.

9.—(1) The exemption from stamp duty given by section twenty-three of the Labourers (Ireland) Act, 1906, shall extend to any stamp duty payable on any mortgage or other security given by a rural district council in respect of an advance by the Irish Land Commission under section sixteen of that Act, or payable under section eight of the Finance Act, 1899, in respect of such an advance as being loan capital within the meaning of that section. Remission of stamp duty. 6 Edw. 7. c. 37.

(2) The Commissioners of Inland Revenue may remit any such duty which has become payable since the commencement (197.) B

A.D. 1909. of the Labourers (Ireland) Act, 1906, and return any such duty which has been paid since that date and before the passing of this Act.

(3) The exemption from stamp duty under section fifty of the Act of 1903 shall extend to any instruments the stamp duty on which is payable as expenses of the Land Commission in the same manner as it applies to the instruments mentioned in that section. 5

Repayment
of advances
under
Labourers
(Ireland)
Act, 1906.
6 Edw. 7.
c. 37.

10.—(1) Advances made under section sixteen of the Labourers (Ireland) Act, 1906 (which are by virtue of that section repayable in like manner as advances under the Land Purchase Acts), shall whether made before or after the passing of this Act be repayable in like manner as advances made in pursuance of pending purchase agreements, and as respects all such advances the rate of interest paid by the Land Commission to the National Debt Commissioners shall be two-and-three-quarters per cent. per annum. 15

(2) The payment charged on the Ireland Development Grant under section seventeen of the Labourers (Ireland) Act, 1906, shall, so far as that grant is insufficient to meet the payment, be defrayed out of moneys provided by Parliament instead of being charged upon that grant. Provided that the total amount of the payment to be charged on the said grant, or to be defrayed out of moneys provided by Parliament, shall not exceed twenty-eight thousand pounds in any year. 20

Substituted
agreements.

11.—(1) Where by reason of the death of the purchaser or the transmission of the purchaser's interest in a holding, or in pursuance of a declaration of the Land Commission under section fifteen of the Act of 1903 with respect to a sub-tenancy or a subdivided holding, a fresh purchase agreement is entered into in substitution for an original purchase agreement previously made, any such fresh agreement shall, for the purposes of this Part of this Act, be deemed to be substituted for the original agreement, and, whenever lodged with the Land Commission, to have been lodged with the Land Commission at the date on which the original agreement was so lodged. 25 30 35

(2) Where a vendor at the request of the Land Commission enters into an agreement with the Land Commission or the Congested Districts Board for the sale to them of an estate consisting of or including lands, which he has proposed to sell to persons other than that Commission or Board and in respect of which purchase agreements have been lodged with the Land 40

Commission on or before the twenty-fourth day of November A.D. 1909.
 nineteen hundred and eight, the percentage payable on the
 purchase money of the estate, or on that portion thereof which
 represents the purchase money of those lands (in the case of
 5 an estate comprising other lands) shall so far as the purchase
 money or the portion of the purchase money is not in excess of
 the aggregate of the purchase money fixed by the original
 agreements be calculated in the like manner and the purchase
 annuities payable on the re-sale of those lands shall be payable
 10 at the like rate as if the agreement for the sale of the estate
 had been entered into on or before the twenty-fourth day of
 November nineteen hundred and eight.

12. In this Part of this Act, unless the context otherwise Interpreta
 requires,— tion.

- 15 (a) The expression "pending purchase agreements" means
 agreements lodged with the Land Commission on
 or before the fifteenth day of September nineteen
 hundred and nine, or entered into on or before
 20 that date by or with the Land Commission or the
 Congested Districts Board ;
- (b) The expression "future purchase agreements" means
 agreements lodged with the Land Commission or
 entered into by the Land Commission or the Congested
 Districts Board after that date :
- 25 Provided that purchase agreements entered into
 at any time on the re-sale by the Land Commission
 or Congested Districts Board—
- (i) of land purchased or agreed to be purchased
 by them on or before the fifteenth day of
 30 September nineteen hundred and nine ; or
- (ii) of land being land in respect of which or
 comprised in an estate in respect of which a pur-
 chase agreement, though not actually entered into
 on or before the twenty-fourth day of November
 35 nineteen hundred and eight, is deemed for the
 purposes of the provisions of this Part of this
 Act relating to the percentage payable under the
 Act of 1903, to have been entered into on or
 before that date ;
- 40 shall be treated for the purposes of this Part of this
 Act as pending purchase agreements and not as
 future purchase agreements ;

- A.D. 1909. (c) An order of the Land Judge under section seven or section seventy-seven of the Act of 1903 vesting any land in the Land Commission or the Congested Districts Board, and an order of the Estates Commissioners vesting land in the Land Commission under section two of the Evicted Tenants (Ireland) Act, 1907, shall for the purposes of this Part of this Act be treated as an agreement entered into by that Commission or Board as the case may be; 5
- 7 Edw. 7. c. 56. (d) The expression "prescribed" means prescribed by the Treasury. 10

Power to make rules.

13. The power of making rules conferred on the Treasury by the Land Purchase Acts shall extend to the making of rules for carrying the provisions of this Part of this Act into effect, and for adapting to the requirements of this Act such provisions of the Land Purchase Acts or any other enactment passed prior to this Act as relate to land purchase finance. 15

PART II.

LAND PURCHASE.

- Limitation on amount of advances to tenant purchasers. **14.**—(1) No advance exceeding the sum of three thousand pounds shall be sanctioned under the Land Purchase Acts to any tenant in pursuance of an agreement for the purchase of a holding entered into after the passing of this Act unless— 20
- (a) the tenant resides on the holding, or such holding is ordinarily used with the holding on which the tenant resides; or 25
- (b) the Land Commission consider that an advance of a larger amount not exceeding five thousand pounds may properly be sanctioned.
- (2) A person shall be deemed to reside on a holding within the meaning of this section if he occupies a house or resides in the immediate neighbourhood for the purpose of working or managing the holding. 30
- 51 & 52 Vict. c. 49. (3) Section two of the Purchase of Land (Ireland) Amendment Act, 1888, and subsection (4) of section one of the Act of 1903, shall cease to have effect save as regards advances in pursuance of purchase agreements entered into before the passing of this Act. 35

15.—(1) In the case of the sale of an estate to the Land Commission advances under the Land Purchase Acts may be made for the purchase of parcels thereof by the following persons:—

A.D 1909.
Advances for
purchase of
parcels of
land.

- 5 (a) A person being the tenant or proprietor of a holding not exceeding ten pounds in rateable value;
- (b) A person who has surrendered his holding for the purpose of relieving congestion;
- 10 (c) A person who within twenty-five years before the passing of the Act of 1903, was the tenant of a holding to which the Land Law Acts apply, and who is not at the date of the purchase the tenant or proprietor of that holding, or in case such person is dead, a person nominated by the Land Commission as his personal representative; and
- 15 (d) Any person to whom in the opinion of the Land Commission after adequate provision has been made to satisfy the requirements of persons mentioned in the preceding paragraphs of this subsection an advance ought to be made: Provided that no advance shall
- 20 be made to the son of a tenant or proprietor of a holding of an annual rateable value of more than thirty pounds, nor shall any advance be made to more than one son of the same tenant.

(2) Advances under this section shall not, together with the amount (if any) of any advance under the Land Purchase Acts, which has been made and is then unrepaid by the purchaser, or for which an application by the purchaser is pending, exceed one thousand pounds: Provided that the limitation in this subsection may, subject to the other limitations in the Land

30 Purchase Acts, be exceeded, where the Land Commission consider that a larger advance may be sanctioned, to any purchaser without prejudice to the wants and circumstances of other persons residing in the neighbourhood.

(3) The Land Purchase Acts shall, subject to the provisions of this section, apply to the sale of a parcel of land in pursuance of this section in like manner as if the same was a holding and the purchaser was the tenant thereof at the time of his making the purchase; and the expression "holding" in those Acts shall include a parcel of land in respect of the purchase of which an

40 advance has been made in pursuance of this section.

A.D. 1909.

(4) Section two of the Act of 1903 shall cease to have effect save as regards the sale of any parcels of land in respect of which purchase agreements have been entered into before the passing of this Act, and save as aforesaid any reference in any enactment to that section shall be construed as a reference to this section. 5

Trustees for the purposes of turbarry, pasture, &c.

16.—(1) It shall be lawful for the Department of Agriculture and Technical Instruction for Ireland, or the council of any county or of any rural district, to purchase any parcel of an estate under section four of the Act of 1903 for any of the purposes mentioned in that section, and the said Department or any such council, or any other body corporate having power to acquire land, may act as trustees for those purposes, and may obtain advances for the purchase. 10

(2) Where any land is purchased by the said Department or a county council or rural district council under this section, the scheme for the user of the land mentioned in section twenty of the Act of 1903 shall be framed or approved of by the Department and the requirements of that section with regard to the framing or approval of the scheme by the Lord Lieutenant shall not apply. 15

(3) Where land is purchased by a county council or rural district council under this section, the amounts required for payment of the instalments of the purchase annuity shall be raised in the case of the county council as a county at large charge, and in the case of the rural district council as a district charge. 20

(4) It is hereby declared that the provisions of section four and of section twenty of the Act of 1903, as amended by this section, apply as well in the case of the sale of an estate to the Congested Districts Board as in the case of the sale of an estate to persons other than the Congested Districts Board. 25

Facilities for the planting and preservation of woods.

17.—(1) Where a parcel of an estate is purchased or proposed to be purchased by trustees under section four of the Act of 1903 for the purpose of the planting of trees or the preservation of woods or plantations, and the parcel is subject to any grazing rights or easements appurtenant to holdings on the estate, the Land Commission may, if they think fit, on the application of the trustees, make an order releasing that parcel from all or any of those rights and easements upon such terms as to compensation and otherwise as may be agreed upon by the parties interested or, in default of agreement, may be determined by the Land Commission; and any such order shall be effectual to release the parcel 30 35 40

from those rights and easements in the manner and to the extent A.D. 1909.
therein specified.

(2) Where any land is resold to the owner of an estate in pursuance of section three or section seventy-six of the Act of 1903, and the land is subject to any such rights or easements as aforesaid, the Land Commission may on the application of the owner exercise the powers conferred on them by the last preceding subsection as regards those rights and easements, if and so far as they are satisfied that the land, or portion thereof, is required by the owner for any of the said purposes.

18.—(1) In subsection (5) of section six of the Act of 1903 (which defines a congested estate) “ten pounds” shall be substituted for “five pounds.” Congested estates.

(2) Where an estate not being a congested estate within the meaning of the said section as so amended, comprises within its area one or more congested townlands, the Land Commission, or in the case of townlands situated in a congested district county, the Congested Districts Board, may declare all or any one or more of such townlands to be a separate estate for the purposes of the Land Purchase Acts, and such townland or townlands shall thereupon be deemed for those purposes to be a separate congested estate.

(3) An estate which consists exclusively of one or more congested townlands shall be deemed to be a congested estate.

(4) The expression “congested townland” means a townland more than one quarter of the area of which consists of—

(a) congested holdings; or

(b) holdings whose aggregate rateable value when divided by their number gives a sum of less than ten pounds for each holding:

The expression “congested holding” means—

(a) a holding not exceeding ten pounds in rateable value; or

(b) a holding held in rundale or intermixed plots.

19. The powers for facilitating re-sales conferred on the Congested District Board by section one of the Congested Districts Board (Ireland) Act, 1901, and on the Land Commission by section twelve of the Act of 1903, may be exercised whether the request mentioned in the said section one or in section eighty-two of the Act of 1903 is or is not made. Powers for facilitating re-sales. 1 Edw. 7. c. 34.

A.D. 1909.
Power of
Land Com-
mission to
determine
disputes
between
tenants of
holdings.

20. The powers of the Land Commission under section twenty-two of the Act of 1903 to determine disputes between proprietors of holdings may be exercised on the application, in the prescribed manner, of any tenants on an estate in respect of which purchase agreements have been entered into or negotiations 5 for sale are pending, and the provisions of that section shall apply accordingly in like manner as if the tenants were proprietors of holdings.

Power to
exchange
tenancies.

21.—(1) When an estate is purchased or agreed to be purchased by the Land Commission or the Congested Districts Board, any person having power under the Land Purchase Acts to enter into an agreement for the purchase of a holding on the estate shall have power in the prescribed manner to enter into an agreement with the Land Commission or the Congested Districts Board, as the case may be, for the exchange of the 15 holding for any other holding which is in the opinion of the Commission or the Board of not less value than the original holding and to surrender the original holding to the Commission or the Board accordingly.

(2) Upon the surrender of a holding by any person under 20 this section all charges, liabilities, and equities affecting the tenant's interest in the holding shall, without any conveyance or order, be transferred to the interest acquired by that person in the new holding.

(3) The lands comprised in the original holding shall, notwithstanding the surrender of the holding, continue to be subject to all easements and profits a prendre to which they were subject at the time of the surrender.

1 Edw. 7.
c. 34.

(4) For the purpose of any application or order under sub-section (6) of section one of the Congested Districts Board 30 (Ireland) Act, 1901, with respect to charges, liabilities, and equities affecting the tenant's interest in a holding, it shall not be necessary to specify the several charges, liabilities, and equities, or any of them.

1 Edw. 7.
c. 34.

(5) When a holding to which any charges, liabilities, or 35 equities have been transferred, whether under this section or under section one of the Congested Districts Board (Ireland) Act, 1901, is sold under the Land Purchase Acts, the particulars to be transmitted to the registering authority pursuant to section thirty-two of the Act of 1896 shall include particulars of the original 40 holding from which the charges, liabilities, or equities have been

- transferred, and where the registering authority in any such case dispenses with the ascertainment of burdens, the note which he is required to make under subsection three of section twenty-nine of the Local Registration of Title (Ireland) Act, 1891, shall contain
 5 such modifications or additions as may be necessary for the purpose of protecting any transferred charges, liabilities, or equities.
- 22.** Where the tenant of any holding charged with the re-
 payment of any moneys expended or to be expended by the Land Commission or the Congested Districts Board in erecting
 15 or improving buildings on the holding enters into an agreement with the Commission or the Board for the purchase of the holding under the Land Purchase Acts, he shall not by reason of anything contained in section thirty-five of the Act of 1896 be discharged from liability in respect of that charge.
- 23.** The jurisdiction, powers and duties of the Land Com-
 mission under the foregoing provisions of this Part of this Act shall be exercised and performed exclusively by the Estates
 15 Commissioners.
- 24.** The Estates Commissioners may, by order, delegate all
 20 or any of their powers to any one or two of their number, and anything done by any one or two of the Estates Commissioners in pursuance of any such delegation shall be as valid and effectual as if it were done by all the Estates Commissioners.
- 25.** Where an estate is vested in the Land Commission by
 25 a vesting order made by them, the purchase-money may be paid into the Bank of Ireland and invested in like manner as if the estate had been sold to persons other than the Land Commission, and the provisions of subsection three of section
 30 twenty-four of the Act of 1903, shall apply in the case of every sale to the Land Commission where the purchase money has been invested under this section.
- 26.** Without prejudice to any restriction under subsection (2)
 of section nine of the Act of 1903, the Land Commission shall not
 35 in any one year enter into agreements for the purchase of congested estates which will involve, according to their estimates, a total loss on the re-sale of the estates of a greater sum than that which may be fixed by the Treasury for that year.
- 27.**—(1) When the reserve fund established under para-
 graph (b) of subsection (2) of section five of the Act of 1891 is
 40 exhausted, any money required by the Land Commission for the
 (197.)

A.D. 1909.

54 & 55 Vict.
c. 66.Amend-
ment of
59 & 60 Vict.
c. 47. s. 35.Certain powers
and duties of
Land Commis-
sion to be ex-
ercised by
Estates Com-
missioners.Delegation
of powers of
Estates Com-
missioners.Investment
of purchase-
money on
sales to
Land Com-
mission.Restriction
on amount
expended by
Land Com-
mission on
purchase of
congested
estates.Provision of
money for
expenditure
on improve-
ments by

A.D. 1909. exercise of their powers under subsection (1) of section twelve of
 Land Com- the Act of 1903 shall, up to an amount approved by the Treasury
 mission, and in each year, be paid out of moneys provided by Parliament.
 closing of
 reserve fund.

(2) The said reserve fund shall, when it is exhausted, cease
 to exist as a separate fund, and any sums which under any Act 5
 or otherwise are to be paid into that reserve fund, shall be paid
 into the Exchequer.

Provision as
 to money
 spent by
 Land Com-
 mission on
 improve-
 ments of
 estates pur-
 chased by
 them.

28.—(1) Regulations made by the Treasury may provide
 that where the Land Commission have expended money on the
 improvement of an estate purchased by them, and on the re-sale 10
 of the estate the sums realised by them exceed the sum originally
 advanced from the Irish Land Purchase Fund for the purchase
 of the estate, the National Debt Commissioners may advance to
 the Land Commission a sum equal to the excess, or if that sum
 exceeds the amount expended by the Land Commission on the 15
 improvements, a sum equal to the amount so expended, for repay-
 ment to the reserve fund if that fund has not been exhausted,
 and if that fund has been exhausted, for repayment to the
 Exchequer.

(2) Where the amount realised by the Land Commission 20
 on the re-sale of a congested estate, or of an estate not being
 a congested estate on the improvement of which the Land
 Commission have expended money, is less than the sum originally
 advanced from the Irish Land Purchase Fund for the purchase
 of the estate, the deficiency in the case of a congested estate, 25
 and in the case of an estate not being a congested estate, so
 much of the deficiency as does not exceed the amount so expended
 on improvements, shall be charged or remain charged, as the case
 requires, upon the reserve fund, if that fund has not been ex-
 hausted, and if that fund has been exhausted, or so far as that 30
 fund is not sufficient for the purpose, shall be paid out of moneys
 provided by Parliament, and credited in manner directed by the
 Treasury to the Irish Land Purchase Fund.

(3) Subsection (3) of section forty-three of the Act of 1903
 shall cease to have effect. 35

Expenses
 of improve-
 ments by
 Land Com-
 mission on
 land sold by
 landlord to
 tenant.

29.—(1) Where the Land Commission deem it expedient
 to expend any money on the improvement of a holding sold
 or agreed to be sold by a landlord to a tenant, they may, in
 accordance with regulations to be made by the Treasury, enter into
 an agreement with the tenant for the repayment of the money so 40
 expended in the same manner as if such money was advanced

under the Land Purchase Acts for the purchase of the holding, and the said money shall be repaid by an additional annuity accordingly. A.D. 1909.

(2) So far as circumstances admit the additional annuity shall in accordance with regulations to be made by the Treasury be consolidated and made payable with the purchase annuity.

(3) Regulations made by the Treasury may provide that where the repayment of any money expended by the Land Commission is secured by an additional annuity under this section, the National Debt Commissioners may advance to the Land Commission the said money for repayment to the reserve fund if that fund has not been exhausted, and if that fund has been exhausted, for repayment to the Exchequer.

30. For the purposes of subsection (4) of section forty-eight of the Act of 1903, an estate shall be deemed to be so circumstanced that it would, independently of the Act of 1896, be sold without the consent of the owner as to price if the consent of the person who is owner would not be required in his capacity as owner, notwithstanding that his consent might be required in the capacity of incumbrancer or some other capacity. Amendment
of 3 Edw. 7.
c. 37. s. 48
(4).

31.—(1) As between the Land Commission and the proprietor for the time being of any holding for the purchase of which the Land Commission have, after the passing of this Act, made any advance under the Land Purchase Acts, the following conditions shall be imposed in addition to the conditions mentioned in section fifty-four of the Act of 1903, namely :— Amendment.
of 3 Edw. 7.
c. 37. s. 54.

The proprietor shall not, without the consent in writing in the prescribed form of the Department of Agriculture and Technical Instruction for Ireland, cut down or uproot, or permit to be cut down or uprooted, any tree (other than a fruit tree or osier) upon the holding which is necessary for the ornament or shelter of the holding; and if any such tree is cut down or uprooted in violation of this condition, the proprietor shall be guilty of an offence under this Act and shall be liable on summary conviction to a penalty not exceeding five pounds for each tree so cut down or uprooted, unless he satisfies the Court that he received the prescribed consent.

A.D. 1909. (2) Where, after the passing of this Act, a tenant enters into an agreement for the purchase of his holding under the said Acts, the foregoing condition with respect to the cutting and uprooting of trees shall, as from the date of the agreement, apply to the holding in like manner as if the advance had been made unless and until the application for an advance is refused or withdrawn. 5

(3) Subsection (2) and subsection (3) of section thirty of the Act of 1881, as amended by any enactment, shall apply to any sale by the Land Commission under this section. 10

(4) When the whole of the advance made for the purchase of a holding under the Land Purchase Acts has been repaid, the conditions imposed by this section, or by section fifty-four of the Act of 1903, shall cease to have effect as regards the holding or the proprietor thereof. 15

Recovery of interest. **32.** The Land Commission, where interest on the purchase-money of any holding is payable to them, shall have for the recovery of such interest the same remedies as they have for the recovery of unpaid instalments of a purchase annuity.

Extension of 3 Edw. 7. c. 37. s. 69 (2). **33.** The provisions of subsection (2) of section sixty-nine of the Act of 1903 (relative to the appointment by the Land Commission of an administrator of a deceased applicant for an advance) shall apply in any case where the applicant dies before the advance is made. 20

Payments out of interest on purchase money before vesting. **34.** Where interest on the purchase money of any land agreed to be sold under the Land Purchase Acts is payable— 25

(a) to the Land Commission under section thirty-five of the Act of 1896; or

(b) by the Land Commission or Congested Districts Board under section eighteen of the Act of 1903 as extended by this Act, 30

the owner of any superior or intervening interest or any incumbrancer may at any time before the land is vested in the purchaser or purchasers apply to the Land Commission for an order that payment in respect of the annual income of his claim be made to him out of the interest on the purchase money, and in such case the Commission, if they are satisfied that the justice of the case so requires, may make the order accordingly. 35

- 35.**—(1) The powers conferred on the Land Commission by section one of the Irish Land Act, 1907, for the purpose of the disposal of the mining rights mentioned in that section shall include a power to demise such rights to any person by way of
 5 take note or prospecting lease for any term not exceeding two years, at such rent and upon such conditions as the Land Commission think proper, with an option to the lessee to take a reversionary lease upon the like or such other terms as may be agreed on.
- 10 (2) On any demise under the said Act of 1907 as amended by this section a royalty rent variable according to the price or value of the minerals gotten, or a fixed rent or both may be reserved to the Land Commission.
- (3) It shall not be obligatory upon the Land Commission
 15 to publish the advertisement mentioned in subsection (5) of section one of the said Act on granting any such reversionary lease if an advertisement has been published pursuant to that subsection before the execution of the take note or prospecting lease.
- 20 **36.**—(1) Where any land purchased by means of an advance under the Land Purchase Acts is settled land within the meaning of the Settled Land Acts, 1882 to 1890, the trustees of the settlement may, on the request of the tenant for life, notwithstanding anything in the settlement to the contrary, invest the
 25 purchase money, or any part thereof, in the following manner (that is to say):—
- (a) With the sanction of the Public Trustee—
- (i) in any of the public stocks or funds or Government securities of any foreign government or state, or
 30 (ii) in mortgages, bonds, debentures, or debenture stock charged upon the undertaking of any railway company in the United States of America, Mexico, the Argentine Republic, or Canada, which has, during each of the five years last past before the date of investment, paid a dividend on its preference stock (if any) or its ordinary stock ;
 35
- (b) and without such sanction—
- (i) in the mortgages, bonds, debentures, or debenture stock of any railway company in the United Kingdom incorporated by special Act of
 40

A.D. 1909.
 Amendment
 of 7 Edw. 7.
 c. 38.

Powers of
 investment.

A.D. 1909.

Parliament which has, during each of the five years last past before the date of investment, paid a dividend on its preference stock (if any) or its ordinary stock, or in the preference stock of any such railway company which has, during a like period, paid a dividend on its ordinary stock ;

(ii) in the stocks or shares of any tramway or light railway, dividends upon which are guaranteed under the Tramways (Ireland) Acts, 1860 to 1900 ; or

(iii) in the stock, mortgages, bonds, debentures, or debenture stock issued or to be issued by the council of any county or urban district in the United Kingdom under the authority of any Act or Provisional Order ;

and may from time to time, subject to the like conditions, vary any such investment.

(2) The Public Trustee, in any case in which his sanction is required for an investment under this section, shall, before sanctioning the investment, satisfy himself that there is a reasonable probability that the investment will, if realised on the death of the tenant for life or the termination of the trust, produce an amount not less than the sum invested ; and the Public Trustee shall not incur any liability on account of any sanction given or withheld by him in good faith.

(3) The powers of investment conferred upon trustees by this section shall be in addition to any powers of investment conferred on them by the terms of the settlement or by Act of Parliament, and such last-mentioned powers may be exercised notwithstanding anything to the contrary in the settlement.

(4) A trustee shall not incur any liability by reason of any investment made by him in exercise of the powers conferred by this section.

(5) Subsections (1), (2), and (3) of section fifty-one of the Act of 1903 shall cease to have effect.

Examiners
of title,

37. A barrister-at-law or solicitor shall not be deemed to have retired from practice by reason of his having been temporarily appointed and having acted as an examiner of the Land Commission under the provisions of the Land Purchase Acts.

PART III.

A.D. 1909.

CONGESTED DISTRICTS.

38.—(1) The council of any administrative county comprising a congested districts county may, at the request of the Congested Districts Board, appoint a committee for any electoral division or smaller area in the congested districts county, consisting partly of members of their own body, and partly of other persons for the purpose of obtaining such information and furnishing such suggestions as the Board may require, and of generally assisting the Board in the relief of congestion in the congested districts county.

Congested districts counties and local authorities.

(2) The Local Government Board for Ireland in consultation with the Congested Districts Board may make rules regulating the election, meetings, and procedure of the said joint committee.

39. The powers and duties of the Congested Districts Board under any enactment, so far as they relate to any of the following matters ; namely :—

Transfer of certain powers and duties of the Board to the Department of Agriculture.

(a) The provision of seed potatoes or seed oats ;

(b) Agricultural instruction or practical husbandry ;

(c) The aiding and developing of forestry or the breeding of live stock or poultry ; or

(d) The aiding and developing of sea fisheries ;

shall on the appointed day be transferred to the Department of Agriculture and Technical Instruction for Ireland (in this Part of this Act referred to as the Department) and shall from that day cease to be exercised or performed by the Board.

40. As from the appointed day an annual sum of one hundred and sixty-three thousand seven hundred and fifty pounds shall be paid out of moneys provided by Parliament, as follows :—

Provision of money for Board and Department of Agriculture.

Out of that sum an annual sum of nineteen thousand pounds shall be paid to the Department for the purpose of the exercise of the powers and the performance of the duties transferred to the Department under this Act, and the residue shall be paid to the Congested Districts Board :

Provided that at any time after the expiration of five years from the appointed day the Lord Lieutenant may, on the application of the Department or the Board, from time to time direct that the amount payable to the Department for the purpose

A.D. 1909. — aforesaid shall be increased or reduced, and the increased or reduced amount shall as from the date fixed by the Lord Lieutenant be the amount payable to the Department under this section.

Provisions consequential on transfer of powers and duties.

41.—(1) Where any powers and duties are transferred by this Part of this Act from one authority to another authority—

- (i) all property, whether real or personal (including easements and rights and things in action) held by or in trust for or vested in the first authority for the purpose or by virtue of those powers and duties, shall without any conveyance or assurance pass to and vest in the other authority subject to all debts and liabilities affecting the same ; and
- (ii) the latter authority shall hold the property for the estate interest and purposes and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not passed so far as the same are not modified by or in pursuance of this Act ; and
- (iii) all debts and liabilities of the first authority incurred by virtue of those powers and duties shall become debts and liabilities of the latter authority ; and
- (iv) in any proceedings relating to those powers and duties and pending at the time of the transfer to which the first authority is a party, the latter authority shall be substituted for the first authority and the proceedings shall not abate by reason of the substitution ; and
- (v) any reference to the first authority in any enactment, order, instrument, contract, or other document in relation to those powers or duties shall, so far as is necessary for the exercise of those powers or the discharge of those duties, be construed as a reference to the latter authority.

(2) The expression “authority” in this section means the Congested Districts Board, the Department and the trustees of the Congested Districts Board.

Orders in Council.

42.—(1) The Lord Lieutenant, by Order made with the advice of the Privy Council, may make such regulations as appear to him necessary or expedient for carrying into effect this Part of this Act.

(2) An Order of the Lord Lieutenant made as aforesaid under this section shall be laid before both Houses of Parliament as soon as may be after it is made, and if within the next subsequent forty days on which either House has sat that House presents
 5 an address to His Majesty praying that any such Order may either in whole or in part be annulled, His Majesty in Council may annul the same either in whole or in part as the case may require, and the Order or part so annulled shall thenceforth become void without prejudice to the validity of any proceedings
 10 taken under the same in the meantime :

A.D. 1909.

Provided that where any Order or any part thereof is so annulled, the Lord Lieutenant may within six months thereof make, by and with the advice aforesaid, another Order in place of the Order or part so annulled, subject nevertheless to be laid
 15 before Parliament, and to be annulled by His Majesty in Council in manner above mentioned, and so on as often as the case requires.

43.—(1) It shall be lawful for the Congested Districts Board, with the approval of the Treasury, to grant to any permanent
 20 member of the Board on retirement such superannuation or other allowance (if any) as he would have been qualified for, under the provisions of the Superannuation Acts, 1834 to 1892, or any Acts amending the same, if he were retiring from the permanent Civil Service of the State. Any such allowance shall be payable out of
 25 the funds at the disposal of the Board. Provided that where a permanent member was at the time of his appointment a permanent Civil Servant of the State such portion of the allowance as the Treasury determine to be properly payable in respect of his previous service in that capacity shall be payable in the same
 30 manner as a superannuation or other allowance under those Acts.

Grant of superannuation allowances by Congested Districts Board.

(2) The Congested Districts Board may, with the approval of the Treasury, make a scheme providing for the grant of pensions or gratuities, according to the scale and subject to the conditions (so far as applicable) prescribed by the Superannuation Acts,
 35 1834 to 1892, or any Acts amending the same, to such officers or persons employed by them, not being otherwise pensionable, as may be from time to time approved by the Treasury; and the Board may pay to any such officers or persons out of the funds at their disposal such pensions or gratuities under the scheme
 40 as the Treasury may sanction in each case.

(197.)

D

A.D. 1909.
Acquisition
of land by
Congested
Districts
Board.

44.—(1) From and after the appointed day, the Congested Districts Board shall cease to exercise any power to acquire land save as otherwise provided in this section, or to expend any money in aiding or developing fishing.

(2) Where any congested estate situated in a congested districts county (or any estate so situated, for the sale of which an absolute order has been made under the Landed Estates Court (Ireland) Act, 1858), or any untenanted land, is required by the Congested Districts Board for the purposes of the Congested Districts Board (Ireland) Acts, as amended by this Act, the Board shall issue a requisition calling upon the Land Commission to take steps to acquire the estate or untenanted land.

(3) Upon the receipt of such requisition the Land Commission shall proceed to acquire the estate or land accordingly in the manner provided by this Act, and shall thereafter make an order which shall be effectual to transfer to and vest in the Congested Districts Board such estate or untenanted land for all the rights acquired by the Land Commission therein:

Provided that, if the untenanted land be not situated in a congested districts county, the Land Commission, before making such an order as aforesaid in respect of such land, may sell such parcel or parcels thereof under the Land Purchase Acts to any tenant or proprietor of a congested holding on or immediately adjacent to such land as will raise such holding or holdings to a valuation of ten pounds, and shall make such order only in respect of the balance of such land remaining over after the sale of such parcel or parcels as aforesaid.

(4) Notwithstanding anything in this section, the Congested Districts Board may, for the purpose of the Congested Districts Board (Ireland) Acts, purchase the interests from the occupying tenant in any holding provided the tenant accept the price offered by the Board, otherwise the Board shall proceed to acquire such interest in the manner provided in this Act.

Inclusion or
exclusion of
electoral dis-
tricts by
Lord Lieu-
tenant as
congested
under pro-
visions of
54 & 55
Vict. c. 48.

45. If at any time on a representation in the prescribed form from the Congested Districts Board it appears expedient to the Lord Lieutenant, acting by and with the advice of the Privy Council, to include under the provisions of section thirty-six of the Purchase of Land (Ireland) Act, 1891, an electoral division or any part thereof other than the divisions already scheduled as congested under that section, or to exclude from that provision any electoral division, or part thereof, which is now included, it

shall be lawful for him to include or exclude, as the case may be, such division, or part thereof: A.D. 1909.

Provided that no division, or part thereof, shall be included which is not situated in an administrative county which contains
5 a congested districts county.

46.—(1) The Board may sell any parcels of any land purchased by them before the passing of this Act or purchased on their requisition under this Act to any tenants or proprietors of holdings in a congested districts county. Sales of parcels of land by Congested Districts Board.

10 (2) If any parcels of such land are not required for, or having regard to the circumstances of the estate, land, or district cannot advantageously be sold to, such tenants or proprietors, the Board may sell those parcels to any sons of tenants or proprietors of holdings situated in a congested districts county and not
15 exceeding ten pounds in rateable value.

(3) Where the Congested Districts Board sell any parcel of land to the son of any tenant or proprietor under this section, they shall insert in their annual report to the Lord Lieutenant full particulars of the sale and the circumstances in which the
20 same was made.

(4) The provisions of this Act with respect to the application of the Land Purchase Acts to parcels of land shall apply in the case of the sale of any parcel of land under this section.

25 (5) Section seventy-five of the Act of 1903 shall cease to have effect.

PART IV.

COMPULSORY PURCHASE.

47. Where the Congested Districts Board are of opinion that
30 it is desirable to acquire land for the purpose of relieving congestion in any portion of a congested districts county, by adding to the holding of any proprietor or tenant of a holding therein of a rateable value of less than ten pounds, such parcel or parcels of land as will, when added to such holding, raise the rateable value
35 thereof, so far as the same can at the time of such addition be reasonably estimated, to the sum of ten pounds, or by providing a holding for a person who has surrendered his holding for the purpose of relieving congestion, and are satisfied that land sufficient and suitable for that purpose cannot be acquired on

(197.)

D 2

A.D. 1909. — their behalf by voluntary agreement at a reasonable price, they may submit to the Land Commission a scheme setting forth the lands which they propose should be acquired compulsorily for the purposes aforesaid on their behalf, the extent, nature, boundaries, and condition thereof, and the names of the person 5 or persons by whom the same owned, occupied, or used and enjoyed, the mode in which it is used, worked, or cultivated, together, as far as reasonably practicable, with the names of the person or persons to whom as a tenant or proprietor, or as tenants or proprietors of a holding or holdings of less rateable 10 value than ten pounds, they propose that a parcel or parcels of the said lands should be sold, and the rateable value of such holdings, and also the names of the person or persons, if any, who has or have surrendered his or their holdings as aforesaid, and the nature, extent, situation, and rateable value of the same, 15 together with the rateable value, so far as the same can be reasonably estimated, of the parcel or parcels of the said lands which they propose should be sold to each of the above-mentioned persons respectively, with such further and other particulars as may be prescribed. An authentic copy of such scheme, signed 20 by the secretary of the Board, shall be lodged in the offices of the Land Commission in the time and manner prescribed, together with a statement under the hand of the aforesaid secretary, setting forth the facts which, in the opinion of said Board, establish that the land sufficient and suitable for the aforesaid 25 purpose cannot be acquired by voluntary purchase at a reasonable price.

Compulsory purchase.

48. The Judicial Commissioner, together with two of the Estates Commissioners, shall inquire into the merits of the said scheme, and if satisfied that it is *primâ facie* necessary that the 30 land therein mentioned should be acquired compulsorily for the purposes therein set forth, shall proceed to acquire the same compulsorily in manner herein-after provided:—

- (1) The Estates Commissioners shall publish in the "Dublin Gazette" a notice containing the prescribed particulars 35 with respect to the lands proposed to be acquired, and calling upon any person interested in the same who may object on any ground to the acquisition thereof compulsorily under this section to lodge in the office of the Land Commissioner, within the prescribed time, a 40 statement of the grounds of his or her objections:

- (2) A copy of the aforesaid notice shall be served by the Estates Commissioners so soon as may be, in the prescribed manner, upon any person who appears to them to be the owner or an owner of the said land or any part thereof, and upon all persons known or believed by them to be interested therein : A.D. 1909.
- 5
- (3) At any time after the publication of the aforesaid notice, any inspectors of the Estates Commissioners or other persons appointed by them in that behalf may enter upon the land and do all such things as may be necessary for the purpose of enabling the three Commissioners aforesaid to determine whether the said land is suitable for the purpose for which it is sought to be acquired :
- 10
- (4) If no objection has been made by any of the persons aforesaid to the acquisition thereof under this Act, or any such objection, if made, has been withdrawn, the Estates Commissioners may make an order that on payment into the Bank of Ireland of the compensation for the lands taken, and also for any other land of the same owner or owners injuriously affected (such compensation to be ascertained in the manner hereinafter provided), the said land, or such portion thereof as they shall specify, shall vest in the Land Commission :
- 15
- 20
- (5) If an objection has been made and has not been withdrawn, the same shall be inquired into, heard, and determined in open court, the parties interested having been given an opportunity of being heard by a tribunal hereinafter called the tribunal, composed of the Judicial Commissioner and such one of the two Estates Commissioners, who shall have, in the first instance, considered the scheme as the Estates Commissioners shall themselves select, together with the judge of the King's Bench Division of the High Court who is next in order on the rota mentioned in section two, subsection eleven, of the Evicted Tenants (Ireland) Act, 1907. The said last-mentioned judge shall preside :
- 25
- 30
- 35
- (6) If every objection so made should be over-ruled, an order may be made by this tribunal similar to that which may be made by the aforesaid Commissioners where no objection has been made, and, in addition, costs not
- 40

A.D. 1909.

exceeding thirty pounds in amount may be awarded to any person appearing to sustain or oppose any objection, same to be paid by the Land Commission :

- (7) If every objection so made and not withdrawn shall not be over-ruled, then, subject to the appeal herein-after 5 mentioned, no further proceedings shall be taken without the consent of the Judicial Commission to acquire the said lands compulsorily for a period of five years :
- (8) An appeal shall lie to the Court of Appeal from any 10 decision of the said tribunal on any question of law, or mixed question of law and fact. The Court of Appeal shall have jurisdiction and power, on the hearing of the appeal, to make any order, including an order as to cost, which the tribunal could have made, 15 and the same consequences shall follow upon the making of such an order as would have followed if the same had been made by the said tribunal :
- (9) The decision of the Court of Appeal shall be final :
- (10) Upon the making of an order by the aforesaid tribunal or 20 by the Court of Appeal over-ruling all objections, or of the making of an order by the said Commissioners where no objection has been made, or if made has been withdrawn, or within a reasonable time thereafter the compensation payable in respect of the lands taken or 25 injuriously affected or shall be determined in the manner prescribed by a single arbitrator appointed by the Commissioners of Public Works in Ireland, on the principles on which compensation is awarded for lands taken compulsorily under the Lands Clauses Acts. 30

Modification
of scheme by
Congested
Districts
Board.

49. The Congested Districts Board may at any time, with the consent of the tribunal, and on such terms as to payment of cost and otherwise as the latter may deem fit to impose, modify the scheme so lodged by them to meet any objection raised thereto.

The Court of Appeal may in cases pending before it on appeal 35 permit the said scheme to be modified on similar terms.

Lands which
may not be
acquired
compulsorily
under pre-
ceding
sections.

50. Land shall not be acquired compulsorily under the provisions of the preceding sections which—

- (1) Is situate without an administrative county containing a congested districts county. For the purpose of this 40

[9 Edw. 7.]

Irish Land.

27.

subsection the west riding of the county of Cork shall be deemed an administrative county; A.D. 1909.

5 (2) Or what has been acquired by a tenant under the provisions of the Irish Land Act, 1869, or purchased under the Land Purchase Acts as defined by the Redemption of Rent (Ireland) Act, 1891, the Irish Land Act, 1903, or this Act;

10 (3) Or which is in the occupation of an owner within the meaning of the aforesaid Land Purchase Acts, and is, or forms part of a demesne, garden, pleasure garden, or home farm;

15 (4) Or which is of an annual rateable value not exceeding two hundred pounds, and is occupied and cultivated as a farm according to a reasonable course of husbandry by a person holding under a fee-farm grant, or a lease for lives renewable for ever, or for a term of years of which not less than sixty are unexpired.

20 **51.** Land shall not be acquired compulsorily for the purpose of being sold, nor shall it, if so acquired, be sold to any person or persons other than those herein-before mentioned, and under the conditions and restrictions herein-before set forth. Land not to be acquired compulsorily for purpose of being sold.

PART V.

SUPPLEMENTAL.

25 **52.** In this Act, unless the context otherwise requires,— Definitions.
The expression “prescribed,” in any case not otherwise provided for, means prescribed by rules made by the Judicial Commissioner and the Estates Commissioners in the manner directed by subsection (13) of section twenty-three of the Act of 1903;

30 The expression “the Land Purchase Acts” includes the Land Purchase Acts as defined by the Act of 1903, the Irish Land Act, 1907, and Parts I., II., and IV. of this Act; 7 Edw. 7.
c. 38.

35 The expression “the Land Law Acts” means the Land Law Acts as defined by the Act of 1903 and Part V. of this Act;

The expression “the Act of 1881” means the Land Law (Ireland) Act, 1881; 44 & 45 Vict.
c. 49.

- A.D. 1909. • The expression "the Act of 1887" means the Land Law
50 & 51 Vict. (Ireland) Act, 1887;
c. 33. The expression "the Act of 1891" means the Purchase
54 & 55 Vict. of Land (Ireland) Act, 1891;
c. 48. The expression "the Act of 1896" means the Land Law 5
59 & 60 Vict. (Ireland) Act, 1896;
c. 47. The expression "the Act of 1903" means the Irish Land
3 Edw. 7. Act, 1903;
c. 37. The expression "the Judicial Commissioner" means the
 Judicial Commissioner appointed under the Act of 1881; 10
 and
 The expression "appointed day" means such day as the
 Lord Lieutenant may appoint.
- Construc- **53.** Parts I., II., and IV. of this Act shall be construed as
tion. one with the Land Purchase Acts, and may be cited with those 15
 Acts.
 Part III. of this Act shall be construed as one with the
 Congested Districts Board (Ireland) Acts, and may be cited with
 those Acts.
 Part V. of this Act shall be construed as one with the Land 20
 Law Acts, and may be cited with those Acts.
- Short title. **54.** This Act may be cited as the Irish Land Act, 1909.
- Repeals. **55.** The Acts specified in the Second Schedule to this Act
 are hereby repealed to the extent mentioned in the third column
 of that schedule. 25

SCHEDULES.

A.D. 1909.

FIRST SCHEDULE.

(1) The percentage shall be a percentage on the amount advanced in respect of each holding and parcel of land comprised in the estate, and shall be calculated according to the number of years' purchase represented by the advance upon the following scale:—

		Number of years' purchase represented by the Advance.				Rate of Percentage.
		(1) Where the Rent is a Judicial Rent fixed or agreed to since the passing of the Act of 1896, or the Land is untenanted.		(2) Where the Rent is a Judicial Rent fixed or agreed to before the passing of the Act of 1896, or a Non-Judicial Rent.		
10		26 and upwards	-	-	24 and upwards	Nil
		25 and under 26	-	-	23 and under 24	3
		24 „ 25	-	-	22 „ 23	4
15		23 „ 24	-	-	21 „ 22	6
		22 „ 23	-	-	20 „ 21	8
		21 „ 22	-	-	19 „ 20	10
		20 „ 21	-	-	18 „ 19	12
		19 „ 20	-	-	17 „ 18	14
20		18 „ 19	-	-	16 „ 17	16
		Under 18	-	-	Under 16	18

(2) In cases where an estate is purchased by the Estates Commissioners or the Congested Districts Board, and the advance is made in respect of the estate as a whole, the advance shall, for the purpose of the application of the scale, be apportioned between the holdings and parcels of land comprised in the estate in such manner as the Estates Commissioners or the Congested Districts Board, as the case may be, direct.

(3) In the case of the purchase of a parcel of untenanted land, and in any case where the amount advanced is less than the purchase money, the number of years' purchase represented by the advance shall be calculated in manner prescribed by the Treasury.

A.D. 1909.

SECOND SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
51 & 52 Vict. c. 49.	The Purchase of Land (Ireland) Amendment Act, 1888.	Section two, save as regards advances in pursuance of purchase agreements entered into before the passing of this Act.	5
54 & 55 Vict. c. 48.	The Purchase of Land (Ireland) Act, 1891.	Section thirty-four, from "consisting" to the end of the section, as from the appointed day.	10
56 & 57 Vict. c. 35.	The Congested Districts Board (Ireland) Act, 1893.	Subsections (2) and (3) of section two.	
3 Edw. 7. c. 37	The Irish Land Act, 1903.	In section one, subsection (4), save as regards advances in pursuance of purchase agreements entered into before the passing of this Act.	15
		Section two, save as regards sales of parcels of land in respect of which purchase agreements have been entered into before the passing of this Act.	20
		In subsection (4) of section six, the words "with the consent of the owner."	
		Subsection (3) of section forty-three.	25
		Section forty-four.	
		In subsection (1) of section forty-seven, from "provided" to end of subsection.	
		Subsection (3) of section forty-eight, subsections (1), (2), and (3) of section fifty-one.	30
		Section seventy-five.	

Irish Land.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULÉD

An Act to amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto.

(Brought from the Commons 20th September 1909.)

Ordered to be printed 12th October 1909.

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[*Price 3s. 6d.*]]

(197.)

Irish Land Bill.

A M E N D M E N T S

T O B E M O V E D O N R E P O R T

B Y

T H E L O R D A T K I N S O N .

After clause 13 insert the following new clause :

14. Where, after the passing of this Act, application is made under subsection (1) of section one of the Act of 1903 for an advance of the whole purchase money of any holding, if the Land Commission are satisfied that a sum exceeding one year's rent of the holding has been added to the purchase money thereof, in respect of arrears of rent due thereout, may refuse to sanction the advance, unless the parties to the agreement of purchase and sale consent that the purchase money shall be reduced by the amount of such excess over one year's rent. On such consent being given the said agreement shall be varied accordingly, and the application dealt with under the aforesaid subsection in its proper order as if the reduced sum had been the whole of the purchase money, and the application had been originally made in respect of that sum. The refusal to make the advance on the ground aforesaid must be concurred in by the Judicial Commissioner.

Clause 44, page 22, line 12, after ("land") insert ("otherwise than by the exercise of the compulsory powers by this Act conferred upon them")

line 15, after ("Act") insert ("in the case of sales other than compulsory")

Clause 47, page 24, line 1, after ("price") insert ("which price they shall have theretofore offered to the person or persons they believed to be entitled to sell the same")

line 3, leave out ("lands") and insert ("land"), and after ("be") insert ("so"), and leave out ("compulsorily")

(197 a.)

[OVER

Clause 47, page 24, line 8, leave out from ("together") to ("with") in line 19.

line 24, after ("forth") insert ("in detail")

Clause 48, page 24, line 28, leave out from the beginning of the clause to ("and") in line 30, and insert ("The Estates Commissioners shall consider the said scheme and the matters set forth in the said statement")

line 32, after ("proceed") insert ("so")

line 33, leave out ("compulsorily")

page 25, line 30, leave out ("two")

Irish Land Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD ATKINSON.

13th October 1909.

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[Price 3d.]

(197 a.)

Irish Land Bill.

A M E N D M E N T S

T O B E M O V E D O N R E P O R T .

BY THE LORD PRIVY SEAL (*E. Crewe*).

After clause 3 insert the following new clause :

.—(1) Regulations may be made by the Lord Lieutenant under subsection (8) of section twenty-three of the Act of 1903 for determining the priority in which advances, whether by means of money or of stock, or partly by means of money and partly by means of stock, may be sanctioned, and for allocating as between different classes of sales the total amounts from time to time available for advances. Regulations
as to
priority.

(2) Every regulation made under that subsection shall be laid before both Houses of Parliament as soon as may be after it is made.

Clause 17, page 10, line 33, after (“ grazing ”) insert (“ or “ other ”)

page 11, line 10, after (“ purposes ”) insert :

(3) The Land Commission, on the application in the prescribed manner of any landlord who is desirous of selling an estate under the Land Purchase Acts, if they are satisfied that it is desirable that the landlord should be authorised to resume portion of a holding upon the estate for the purpose of planting trees or preserving woods or plantations, and that the value of the holding will not be materially diminished by reason of the resumption, may authorise the landlord to resume that portion upon such terms as may be approved of by the Land Commission, including full compensation to the tenant, and may make an order accordingly apportioning the rent and discharging that portion of the holding from the tenancy.

BY THE LORD ATKINSON.

Clause 15, page 9, line 17, after (" of ") insert (" the ")

Clause 18, page 19, line 6, leave out (" smaller ") and insert (" for any other area ")

Clause 24, page 13, line 23, after (" Commissioners ") insert (" Provided that any person aggrieved by anything done by one Estates Commissioner shall be entitled to have the action of which he complains reconsidered by three Estates Commissioners, who shall make such order on the matter as they shall deem just, on the terms however, that the person so requiring the action of the aforesaid Estates Commission to be reconsidered shall be liable, should his complaint be held to be frivolous or unfounded, to pay to any person pecuniarily interested in the matter complained of, such costs, not exceeding ten pounds in amount as the three Commissioners aforesaid may award ")

Clause 44, page 22, line 14, leave out (" shall proceed to acquire the estate or land accordingly ") and insert (" shall take all reasonable and proper steps to acquire the estate or land by voluntary agreement on such terms as they shall in the circumstances deem reasonable ")

Clause 46, page 23, line 13, after (" may ") insert (" subject to the provisions as to the making of advances under the Land Purchase Acts contained in section fifteen of this Act ")

After clause 49 insert the following new clause :

50. The percentage mentioned in section forty-eight of the Act of 1903 and in section five of this Act shall not be payable in the case of the sale of lands acquired compulsorily under the foregoing sections of this Act.

Irish Land Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD PRIVY SEAL (*E. Crewe*) ;

AND

THE LORD ATKINSON.]

14th October 1909.

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(197 b.)

Irish Land Bill.

A M E N D M E N T S

TO BE MOVED ON REPORT.

BY THE LORD ORANMORE AND BROWNE.

After clause 3 insert the following new clause :

4. Where a vendor, under either pending or future purchase agreements receives payment in stock instead of in cash, all charges, duties, incumbrances, and redemption prices of quit-rents, tithes, rentcharge, or other superior interests payable out of the purchase-money to the Crown, the Land Commission, the Commissioners of Public Works or any Public Department, shall be received and paid in stock upon the like terms as payment in stock was received by the vendor, and it shall be lawful for the Land Judge, and the Judges of the Chancery Division, and for any trustees, in respect of any sums payable out of the purchase-money into Court or to such trustees, to accept payment in stock on the like terms as payment was received by the vendor.

Powers to pay certain superior interests in stock.

Clause 18, page 11, lines 11 to 13, leave out subsection (1).

line 15, leave out ("out the said section as so amended") and insert ("subsection (5) of section six of the Act of 1903")

line 18, after ("may") insert ("with the consent of the owner")

line 29, leave out ("ten") and insert ("five")

line 32, leave out ("ten") and insert ("five")

Leave out clause 47.

Leave out clause 48.

Leave out clause 49.

Clause 50, page 27, line 9, leave out from ("Acts") to the end of line 11, and insert ("or which is the property of any local (197 c.)

A

“ authority, or has been acquired by any corporation or company
“ for the purposes of a railway, dock, canal, water, or other public
“ undertaking, or which at the date of the scheme forms part of
“ any park, garden, pleasure ground, recreation ground, demesne,
“ or home farm, or is required for the amenity or convenience of
“ any dwelling-house ”)

Leave out clause 50.

Leave out clause 51.

First Schedule, page 29, line 29, after (“ land ”) insert (“ the
“ number of years’ purchase represented by the advance, shall be
“ calculated—

“ (a) In the case of land that has been let for periods of
“ less than one year, or that has been let for purposes
“ of agistment for any period, at the rent or annual sum
“ that has been paid for same on an average of the
“ preceding five years ;

“ (b) In the case of land that has not been so let, the rent
“ thereof (for the purpose of estimating the number of
“ years purchase) shall be taken to be (at the option of
“ the vendor) either—

“ (1) the average net annual profit for the preceding
“ five years, as shown by the vendor’s accounts ; or

“ (2) the fair annual value thereof, to be ascertained
“ by arbitration, as nearly as may be, in the manner
“ provided by section twenty-five of the schedule of
“ the Landlord and Tenant (Ireland) Act, 1870.”)

BY THE LORD DUNBOYNE.

Clause 11, page 6, line 25, leave out from (“ Where ”) to
 (“ holding ”) in line 29.

line 29, after (“ holding ”) insert (“ or in
“ consequence of any direction of the Land Commission or of the
“ Estates Commissioners ”)

Leave out clause 24 and insert the following new clause :

24. The powers of the Estates Commissioners may be exer-
ciseable by any two of them sitting together, and anything so done
shall be as valid and effectual as if it were done by all the Estates
Commissioners.

(3)

Provided always, that all ministerial Acts relating to the details of the carrying out of any transactions under the provisions of this Act or any Act incorporated therewith may at any time be performed by any one of the said Commissioners.

BY THE EARL OF MAYO.

Clause 14, page 8, lines 30 to 33, leave out subsection (2).

BY THE EARL OF WICKLOW.

Clause 15, page 9, line 10, after (" apply ") insert (" and who " was evicted from such holding for non-payment of rent ")

BY THE LORD CLEMENTS (*E. Leitrim*).

At the beginning of Part III. insert the following new clause :

38.—(1) From and after the appointed day the Congested Districts Board for Ireland shall be a body corporate, bearing the name of the " Congested Districts Board for Ireland " with a capacity to acquire and hold land, and to sue and be sued by its corporate name. Incorporation of the Congested Districts Board.

(2) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of a permanent member of the Board, or of the secretary.

(3) In the execution or performance of any power or duty conferred upon or transferred to the Board, by or in pursuance of any enactment, the Board shall adopt and use the style and seal of the Congested Districts Board for Ireland.

(4) The powers and duties of the trustees of the Congested Districts Board for Ireland under any enactment, shall, on the appointed day, be transferred to the Board.

(197 c.)

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56 & 57 Vict. c. 35. (5) Subsection (3) of section thirty-four of the Act of 1891 and subsections (2) and (3) of section two of the Congested Districts Board (Ireland) Act, 1893, shall cease to have effect as from the appointed day.

Clause 50, page 27, line 9, leave out from (“ Acts ”) to the end of line 11, and insert (“ or which is the property of any local authority, or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the scheme forms part of any park, garden, pleasure ground, recreation ground, demesne, or home farm, or is required for the amenity or convenience of any dwelling-house ”)

BY THE LORD ATKINSON.

At the beginning of Part III. insert the following new clause :

Incorporation of the Congested Districts Board.

38.—(1) From and after the appointed day the Congested Districts Board for Ireland shall be a body corporate, bearing the name of the “ Congested Districts Board for Ireland ” with a capacity to acquire and hold land, and to sue and be sued by its corporate name.

(2) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of a permanent member of the Board, or of the secretary.

(3) In the execution or performance of any power or duty conferred upon or transferred to the Board, by or in pursuance of any enactment, the Board shall adopt and use the style and seal of the Congested Districts Board for Ireland.

(4) The powers and duties of the trustees of the Congested Districts Board for Ireland under any enactment, shall on the appointed day, be transferred to the Board.

56 & 57 Vict. c. 35. (5) Subsection (3) of section thirty-four of the Act of 1891 and subsections (2) and (3) of section two of the Congested Districts Board (Ireland) Act, 1893, shall cease to have effect as from the appointed day.

Clause 48, page 26, line 30, after (“ Acts ”) insert (“ Provided that, with the consent of all the parties interested, the amount of the aforesaid compensation may be determined on the principles aforesaid by the tribunal itself and instead of by an arbitrator ”)

(5)

BY THE LORD CLONBROCK.

Clause 40, page 19, line 29, leave out from ("Parliament") to the end of the clause, and insert ("and shall be paid to the Allocation Joint Committee hereinafter mentioned.

"(2) For the purposes of this part of this Act there shall be a committee, to be called the Allocation Joint Committee, consisting of nine persons, of whom three shall be members of the Congested Districts Board selected or appointed by that Board, three shall be persons appointed by the Department of Agriculture and Technical Instruction for Ireland, and three shall be the three Estates Commissioners for the time being.

"(3) The Allocation Joint Committee shall from time to time allocate the moneys placed at their disposal under this section, in such proportions as they deem best, to the Congested Districts Board, the Department of Agriculture, and the Estates Commissioners respectively, to be expended in any of the districts scheduled as congested districts, for any or all of the purposes for which moneys provided by Parliament are authorised to be expended by the Congested Districts Board (Ireland) Acts. Provided, however, that neither the Congested Districts Board, nor the Department of Agriculture, nor the Estates Commissioners shall be authorised to expend any of the moneys provided under this section upon any of such purposes, except so far as they respectively are at present, or may from time to time be authorised to expend moneys on such purposes")

Clause 44, page 22, line 12, after ("land") insert ("and shall state what in their opinion would be the fair price of such land")

BY THE LORD FARNHAM.

Clause 46, page 23, line 15, after ("value") insert ("Provided that no such sale shall be made to more than one son of the same tenant")

Irish Land Bill.

AMENDMENTS

TO BE MOVED ON REPORT.

15th October 1909.

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E. PONSONBY, 116, Grafton Street, Dublin.

[*Price 1d.*]]

(197 c.)

Irish Land Bill.

A M E N D M E N T S

T O B E M O V E D O N R E P O R T.

BY THE LORD MACDONNELL.

Clause 6, page 4, line 37, after (“fund”) insert (“and is “ available in excess of the sum of five thousand pounds and “ twenty thousand pounds now charged on that fund for the “ benefit of Trinity College, Dublin, and the Congested Districts “ Board respectively ”)

After clause 13 in Part II. of the Bill insert the following new clauses :

14.—(1) As regards advances under the Land Purchase Acts whether in pursuance of pending or future purchase agreements, or in respect of sales to the Land Commission the following provisions shall have effect—

(2) A general register shall be kept by the Land Commission of all proposed sales of estates under the Land Purchase Acts, whether directly to the tenants, or to the Land Commission, or otherwise.

(3) Every proposed sale shall be entered in the general register in the order of time at which the purchase agreements were lodged, or the request under section six of the Act of 1903 was deposited, or the particulars and documents required under section seven of the same Act were supplied.

(4) Subsidiary to such general register there shall be three registers, the first of which shall be designated Register A., and shall exhibit the names with the necessary particulars of information in respect of vendors desiring to be paid wholly in cash ; the second of which, to be designated Register B., shall exhibit similar details in respect of vendors desirous of being paid partly in cash and partly in stock ; and the third of which, to be designated Register C., shall give similar details in respect of vendors desirous of being paid wholly in stock.

(197 d.)

A

(5) In each subsidiary register the entries shall be made in the order of priority in which the original entries stand in the general register, and thereafter the priority of the general register shall cease and the priority of each estate shall be that of the particular subsidiary register to which the entry has been carried.

(6) The priority in each subsidiary register shall be determined in the following manner—

(a) In the case of an estate proposed to be sold under sections one to five inclusive, of the Act of 1903, the order shall be determined by the date at which the agreements for purchase were lodged, and the other duties imposed by law on vendors and tenant purchasers were discharged :

(b) In the case of an estate proposed to be sold under section six of the Act of 1903, the order of priority in the register shall be determined by the date at which the originating request was lodged, and the duties imposed by law on vendors and tenant purchasers have been discharged :

(c) In the case of an estate proposed to be sold under section seven of the Act of 1903, the order of priority on the register shall be determined by the date at which the particulars and documents required by the said section have been furnished by the land judge.

(7) The Estates Commissioners shall, so far as practicable, sanction and make advances in respect of estates in the order of priority as determined in the last preceding subsection.

(8) At the beginning of every financial year the Treasury shall inform the Land Commission of the amount of cash intended to be provided during that year, and shall apportion that amount between advances to be made for the purchase of estates for the Congested Districts Board, and advances to be made in respect of estates entered in the Subsidiary Register A., that is to say, of estates to be paid for in cash ; and advances to be made in respect of estates entered in the Subsidiary Register B., that is to say, of estates to be paid for partly in cash and partly in stock.

Provided that if all the money allocated in any year for the payment of advances in respect of estates entered in the Register B., that is in the register of partly cash and partly stock transactions is not required in that year, the surplus over the sum required for such estates may be transferred and made available for payment of advances made entirely in cash.

15.—(1) When application is made under subsection (1) of the Act of 1903 for an advance of the whole purchase money of any holding, the Land Commissioners, if they are satisfied that one or more of the following circumstances exist, namely—

(a) that the judicial rent was fixed after the passing of the Act of 1903 by agreement or consent and not after judicial inquiry in court, and that there are reasons for doubting that the holding is sufficient security for the advance;

(b) that since the judicial rent was fixed, the holding has permanently deteriorated owing to physical causes beyond the control of the tenant,

may make enquiry as to the security for the advance, and may by order declare that the provisions of the same subsection shall not apply, and may deal with the application accordingly as if these provisions had not been complied with.

(2) The Judicial Commissioner and the Estates Commissioners may make rules under section twenty-three of the Act of 1903 providing for the furnishing of such particulars with respect to rent and arrears and of such information with regard to the estate as may appear necessary for the purposes of this section and for the verification of the particulars and information in such manner as they think fit.

Clause 15, page 9, line 5, after paragraph (a) insert the following new paragraph:

(b) The son of a tenant or proprietor of a holding of an annual rateable value not exceeding thirty pounds, provided that no advance shall be made to more than one son of the same tenant.

line 10, after (“ apply ”) insert (“ and
“ had been erected before the commencement of this Act for
“ non-payment of rent ”)

lines 15 to 23, leave out paragraph (d)
and insert the following new paragraph:

(e) Any person to whom, in the opinion of the Land Commission, an advance ought to be made for the purchase of mansions, demesne lands, pleasure grounds, plantations, and other such land, as in the opinion of the Land Commission, is not suitable for distribution to persons of the preceding classes.

(197 d.)

A 2

Clause 14.

BY THE EARL OF MAYO.

Page 8, lines 30 to 33, leave out subsection (2).

Clause 15.

BY THE LORD MACDONNELL.

Page 9, line 5, after paragraph (a) insert the following new paragraph :

(b) The son of a tenant or proprietor of a holding of an annual rateable value not exceeding thirty pounds, provided that no advance shall be made to more than one son of the same tenant.

line 10, after (" apply ") insert (" and had been
" erected before the commencement of this Act for non-payment
" of rent ")

BY THE EARL OF WICKLOW.

Page 9, line 10, after (" apply ") insert (" and who was evicted
" from such holding for non-payment of rent ")

BY THE LORD MONTEAGLE OF BRANDON.

* Page 9, line 14, leave out (" and ") and insert the following new subsection :

(d) a person being a probationary occupier of an allotment attached to an experimental farm established by the Department of Agriculture and Technical Instruction for Ireland as hereinafter provided for promoting the relief of congestion ; and

BY THE LORD MACDONNELL.

Page 9, lines 15 to 23, leave out paragraph (d) and insert the following new paragraph :

(e) Any person to whom, in the opinion of the Land Commission, an advance ought to be made for the purchase of mansions, demesne lands, pleasure grounds, plantations, and other such land, as in the opinion of the Land Commission, is not suitable for distribution to persons of the preceding classes.

(7)

Clause 17.BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 10, line 33, after (" grazing ") insert (" or other ")

Page 11, line 10, after (" purposes ") insert :

(3) The Land Commission, on the application in the prescribed manner of any landlord who is desirous of selling an estate under the Land Purchase Acts, if they are satisfied that it is desirable that the landlord should be authorised to resume portion of a holding upon the estate for the purpose of planting trees or preserving woods or plantations, and that the value of the holding will not be materially diminished by reason of the resumption, may authorise the landlord to resume that portion upon such terms as may be approved of by the Land Commission, including full compensation to the tenant, and may make an order accordingly apportioning the rent and discharging that portion of the holding from the tenancy.

BY THE EARL CADOGAN.

* Page 11, line 10, after (" purposes ") insert the following new subsection :

(3) Where any land is sold to the occupying tenant under the Act of 1903, and the vendor desires to exclude from the sale a portion of such land for the purpose of planting trees thereon, or preserving ornamental timber already growing thereon, and it appears to the Land Commission that, having regard to the extent and character of such portion, the value of the holding would not be substantially affected if it were resumed by the owner, the Land Commission may make an order vesting such portion in the vendor of the estate upon such terms as to compensation and otherwise as may be agreed upon.

Clause 18.

BY THE LORD MACDONNELL.

Page 11, line 11, leave out from the beginning of the subsection to (" which ") in line 12 and insert (" From subsection (4) of section six of the Act of 1903 the words ' with ' ' the consent of the owner ' shall be omitted, and in subsection (5) of the same section and Act ")

A 4

Clause 18—continued.

BY THE LORD ORANMORE AND BROWNE.

Page 11, lines 11 to 13, leave out subsection (1).
line 15, leave out (“ the said section as so amended ”)
and insert (“ subsection (5) of section six of the Act of 1903 ”)
line 18, after (“ may ”) insert (“ with the consent of
“ the owner ”)
line 29, leave out (“ ten ”) and insert (“ five ”)
line 32, leave out (“ ten ”) and insert (“ five ”)

Clause 24.

BY THE LORD ATKINSON.

Page 13, line 23, after (“ Commissioners ”) insert (“ Pro-
“ vided that any person aggrieved by anything done by one
“ Estates Commissioner shall be entitled to have the action of which
“ he complains reconsidered by three Estates Commissioners,† who
“ shall make such order on the matter as they shall deem just, on
“ the terms however, that the person so requiring the action of the
“ aforesaid Estates Commission to be reconsidered shall be liable,
“ should his complaint be held to be frivolous or unfounded, to
“ pay to any person pecuniarily interested in the matter complained
“ of, such costs, not exceeding ten pounds in amount as the three
“ Commissioners aforesaid may award ”)

* [† *The Lord Dunboyne proposes to amend this amendment
as follows:—line 4, after (“ Commissioners ”) insert (“ sitting
“ together ”).*]

BY THE LORD MACDONNELL.

Leave out clause 24.

BY THE LORD DUNBOYNE.

Leave out clause 24 and insert the following new clause:

24. The powers of the Estates Commissioners may be exer-
ciseable by any two of them sitting together, and anything so done
shall be as valid and effectual as if it were done by all the Estates
Commissioners.

(9)

Clause 24—continued.

Provided always, that all ministerial Acts relating to the details of the carrying out of any transactions under the provisions of this Act or any Act incorporated therewith may at any time be performed by any one of the said Commissioners.

Clause 31.

BY THE LORD MACDONNELL.

Page 15, line 27, after (" namely ") insert :

- (a) The proprietor shall not without the consent of the Land Commission acquire by purchase any other holding for the purchase of which an advance has been made under the Land Purchase Acts if the amount of that advance then outstanding, when added to the amount of the advance or advances made in respect of the holding or holdings then held by the proprietor, would exceed the sum of five thousand pounds, and if any proprietor acquires any holding in violation of this condition the Land Commission may cause that holding to be sold :

After Clause 37.

BY THE LORD BARRYMORE.

Insert the following new clause :

* .—(1) Where the immediate landlord of any holding or holdings has not an interest sufficient to constitute him a person having power to sell to tenants under the Land Purchase Acts, the next superior landlord having such an interest shall be deemed to be a person having power to sell to occupying tenants under the said Acts notwithstanding that the said holding or holdings constitute the whole estate of such superior landlord, and section fifteen of the Act of 1903 shall apply accordingly.

Provision as to immediate landlords not having power to sell.

(2) On a sale by any such superior landlord, any arrears of rent due by the occupying tenants shall be dealt with in such

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B

After Clause 37—continued.

to be a person having power to sell to occupying tenants under the said Acts notwithstanding that the said holding or holdings constitute the whole estate of such superior landlord, and section fifteen of the Act of 1903 shall apply accordingly.

(2) On a sale by any such superior landlord, any arrears of rent due by the occupying tenants shall be dealt with in such manner as may be agreed upon, or in default of agreement, as may be decided by the Land Commission, having regard to all the circumstances of the case.

(3) The interest payable by the occupying tenants pending the completion of the sale, shall in such case be payable to such persons and in such proportions as may be agreed upon, or in default of agreement, as may be decided by the Land Commission, having regard to all the circumstances of the case.

BY THE LORD CLANWILLIAM (*E. Clanwilliam*) AND
THE LORD FARNHAM.

Insert the following new clause :

38. Where a number of the tenants on an estate have not agreed before the specified date to the terms of purchase arranged with the other tenants, the Estates Commissioners may order, subject to the consent of the Treasury, that the tenants so refusing shall not be placed in a less advantageous position with regard to the rate of advance than the tenants who had previously agreed to purchase, and that the percentage payable on the purchase money of any such transaction shall be calculated on the same basis as for the rest of the estate.

At the beginning of Part III.

BY THE LORD CLEMENTS (*E. Leitrim*), THE
LORD ATKINSON, AND THE LORD MACDONNELL.

Insert the following new clause :

38.—(1) From and after the appointed day the Congested Districts Board for Ireland shall be a body corporate, bearing the name of the “Congested Districts Board for Ireland” with a capacity to acquire and hold land, and to sue and be sued by its corporate name.

Incorporation of the Congested Districts Board.

At the beginning of Part III.—continued.

(2) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of a permanent member of the Board, or of the secretary.

(3) In the execution or performance of any power or duty conferred upon or transferred to the Board, by or in pursuance of any enactment, the Board shall adopt and use the style and seal of the Congested Districts Board for Ireland.

(4) The powers and duties of the trustees of the Congested Districts Board for Ireland under any enactment, shall on the appointed day, be transferred to the Board.

(5) Subsection (3) of section thirty-four of the Act of 1891 and subsections (2) and (3) of section two of the Congested Districts Board (Ireland) Act, 1893, shall cease to have effect as from the appointed day. 56 & 57 Vict.
c. 35.

BY THE LORD MACDONNELL.

Insert the following new clause :

.—(1) From and after the appointed day the Congested Districts Board shall consist of the following members—

- (a) The Chief Secretary, the Under-Secretary to the Lord Lieutenant, the Vice-President of the Department of Agriculture and Technical Instruction for Ireland and one Estates Commissioner taken in rotation :
- (b) Seven members appointed by His Majesty (in this Act referred to as appointed members) :
- (c) One paid member appointed by the Lord Lieutenant (in this Act referred to as the permanent member) :

(2) One half of the non-official members of the Congested Districts Board, as existing at the date of the passing of this Act, shall retire by lot on the appointed day and the second half shall retire on the expiry of one year from the appointed day, but members so retiring shall be eligible for re-appointment within the number of seven provided by this section.

(3) An appointed member shall hold office for four years and shall be eligible for re-appointment.

(4) The permanent member shall hold office during pleasure, and shall be paid by the Board out of the funds at their disposal such annual salary as the Lord Lieutenant may determine.

At the beginning of Part III.—*continued.*

His Majesty may fill any casual vacancy in the office of appointed member, and the Lord Lieutenant may fill any such vacancy in the office of permanent member, by appointing a person to be a member in the place of the member whose office is vacant.

BY THE LORD CLEMENTS (*E. Leitrim*).

Insert the following new clause :

37.—There shall be added to the Congested District Board as at present constituted one paid member appointed by His Majesty (in this Act referred to as the permanent member).

Clause 38.

BY THE LORD ATKINSON.

Page 19, line 6, leave out (“ smaller ”) and insert (“ for any “ other area ”)

Clause 39.

BY THE LORD MACDONNELL.

Page 19, line 20, after the first (“ of ”) insert (“ industries ”)

Clause 40.

BY THE LORD MACDONNELL.

Page 19, line 28, after (“ pounds ”) insert (“ exclusive of the “ existing Parliamentary grant of twenty-five thousand pounds ”)

BY THE LORD CLONBROCK.

Page 19, line 29, leave out from (“ Parliament ”) to the end of the clause, and insert (“ and shall be paid to the Allocation Joint Committee hereinafter mentioned.

(13)

Clause 40—*continued.*

“(2) For the purposes of this part of this Act there shall be a committee, to be called the Allocation Joint Committee, consisting of nine persons, of whom three shall be members of the Congested Districts Board selected or appointed by that Board, three shall be persons appointed by the Department of Agriculture and Technical Instruction for Ireland, and three shall be the three Estates Commissioners for the time being.

“(3) The Allocation Joint Committee shall from time to time allocate the moneys placed at their disposal under this section, in such proportions as they deem best, to the Congested Districts Board, the Department of Agriculture, and the Estates Commissioners respectively, to be expended in any of the districts scheduled as congested districts, for any or all of the purposes for which moneys provided by Parliament are authorised to be expended by the Congested Districts Board (Ireland) Acts Provided, however, that neither the Congested Districts Board, nor the Department of Agriculture, nor the Estates Commissioners shall be authorised to expend any of the moneys provided under this section upon any of such purposes, except so far as they respectively are at present, or may from time to time be authorised to expend moneys on such purposes”)

BY THE LORD MONTEAGLE OF BRANDON.

* Page 19, line 33, after (“ Act ”) insert (“ and also an annual sum not exceeding five thousand pounds for the maintenance by the Department of any experimental farms established under this Act for the relief of congestion ”)

Clause 42.

BY THE LORD MACDONNELL.

Leave out clause 42.

Clause 44.

BY THE LORD MACDONNELL.

Page 22, lines 3 and 4, leave out (“ or to expend any money in aiding or developing fisheries ”)

Clause 44—continued.

BY THE LORD ATKINSON.

Page 22, line 12, after (“land”) insert (“otherwise than by
“the exercise of the compulsory powers by this Act conferred
“upon them”)

BY THE LORD CLONBROCK.

Page 22, line 12, after (“land”) insert (“and shall state what
“in their opinion would be the fair price of such land”)

BY THE LORD ATKINSON.

Page 22, line 14, leave out (“shall proceed to acquire the
“estate or land accordingly”) and insert (“shall take all
“reasonable and proper steps to acquire the estate or land by
“voluntary agreement on such terms as they shall in the
“circumstances deem reasonable”)

line 15, after (“Act”) insert (“in the case of sales
“other than compulsory”)

After Clause 44.

BY THE LORD MONTEAGLE OF BRANDON.

Insert the following new clause:

* 45. Where any untenanted land has been acquired by the Board before the passing of this Act, or by the Land Commission on the requisition of the Board under this Act, the Board may retain the same and let it, or any portion thereof, to the Department for the purpose of establishing an experimental farm for the relief of congestion by the training of probationary occupiers, instead of selling the same as hereinafter provided; and the Department may hold such land for this purpose and set aside such portions thereof as they think fit as allotments for such probationary occupiers during their period of training.

(15)

Clause 45.

BY THE LORD MACDONNELL.

Page 22, line 40, after ("or") insert ("at any time after
"consultation with the Board")

Page 23, line 5, after ("county") insert ("and is not
"congested within the meaning of section thirty-six of the Act
"of 1891")

Clause 46.

BY THE LORD MONTEAGLE OF BRANDON.

* Page 23, line 6, after ("sell") insert ("(a)")

* line 8, after ("Act") insert ("other than
"untenanted land let to the Department for the purpose of an
"experimental farm")

* line 9, after ("county") insert—

(b) Any untenanted land, let to the Department for the
purpose of an experimental farm, to such probationary
occupiers as have completed their period of training
in the method and business of farming to the
satisfaction of the Department.

BY THE LORD ATKINSON.

Page 23, line 13, after ("may") insert ("subject to the
"provisions as to the making of advances under the Land
"Purchase Acts contained in section fifteen of this Act")

BY THE LORD MACDONNELL.

Page 23, line 13, after ("parcels") insert ("not being
"mansions, demesne lands, plantations, gardens, or pleasure
"grounds"), and leave out from ("parcels") to the end of the
subsection and insert ("to whomsoever they think fit having regard
"to the welfare of the locality")

BY THE LORD FARNHAM.

Page 23, line 15, after ("value") insert ("Provided that no
"such sale shall be made to more than one son of the same
"tenant")

Clause 46—*continued.*

BY THE LORD MACDONNELL.

Page 23, line 15, after (“ value ”) insert the following new subsection :

(3) The Board may sell such mansions, demesne lands, plantations, gardens, or pleasure grounds to whomsoever it considers advisable in the interests of the locality.

After Clause 46.

BY THE LORD MACDONNELL.

Insert the following new clauses :

47. When after the passing of this Act the Land Commission acting on a requisition from the Congested Districts Board enter into an agreement for the purchase of an estate or untenanted land, or compulsorily acquire an estate, or untenanted land for the Board, the provisions of section eighteen of the Act of 1903 (which relates to rents and profits recoverable by the Land Commission) shall apply in like manner as they apply in the case of land agreed to be purchased by the Land Commission subject to the following modifications (that is to say)—

- (a) The Congested Districts Board shall be substituted for the Land Commission :
- (b) All rents and profits and arrears of rent payable to the Board shall be recoverable by the Board in like manner, or if the Board were the owner of the estate or untenanted land.

48. No congested estate situated in a congested districts county, and no untenanted land situated in an administrative county containing a congested districts county shall, after the passing of this Act, be sold under the Land Purchase Acts to persons other than the Land Commission acting for and on behalf of the Congested Districts Board without the consent of that Board, which consent shall not be withheld unless the Board undertake within a reasonable time to make a requisition on the Land Commission to purchase the estate or untenanted land.

(17)

After Clause 46—continued.

From any refusal of the Board under this section an appeal shall be to the court constituted under section following, and the order of such court shall be final.

Provided that this section shall not apply in the case of any sale of an estate or untenanted land in pursuance of an originating application or request lodged before the passing of this Act.

Part IV. (Title).**BY THE LORD MACDONNELL.**

Page 23, line 28, leave out ("Compulsory Purchase") and insert ("Acquisition of land by agreement and otherwise than by "agreement")

Clause 47.**BY THE LORD DUNBOYNE.**

Page 23, line 38, leave out ("and") and insert ("They may, with the consent of the owner, proceed to inspect such land as may seem suitable for their purposes, and ascertain the amount which the owner thereof may demand for the sale to them of such land, and if the owner shall refuse such consent to inspection, or to state the price which he would accept for said land such refusal shall be held to be sufficient grounds for the Congested Districts Board proceeding as hereinafter provided. If they are")

BY THE LORD ATKINSON.

Page 24, line 3, leave out ("lands") and insert ("land"), and after ("be") insert ("so"), and leave out ("compulsorily")
line 8, leave out from ("together") to ("with") in line 19.
line 24, after ("forth") insert ("in detail")

BY THE LORD ORANMORE AND BROWNE.

Leave out clause 47.

(197††.)

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Clause 47—continued.

BY THE LORD MACDONNELL.

Leave out clause 47.

Clause 48.

BY THE LORD ATKINSON.

Page 24, line 28, leave out from the beginning of the clause to (“and”) in line 30, and insert (“The Estates Commissioners shall consider the said scheme and the matters set forth in the said statement”)

BY THE LORD DUNBOYNE.

Page 24, line 30, after (“facie”) insert (“a proper scheme to be carried out, and that it is”)

BY THE LORD ATKINSON.

Page 24, line 32, after (“proceed”) insert (“so”)
line 33, leave out (“compulsorily”)

BY THE LORD DUNBOYNE.

Page 25, lines 7 and 8, leave out (“At any time after the publication of the aforesaid notice, any inspectors of the Estates Commissioners”) and insert (“after the time prescribed in the said notice for the lodging of objections to the acquisition of the lands, the Estates Commissioners shall consider such objections, if any, as may have been lodged, and if same appear to them to be good and sufficient they may decline to proceed with the scheme; but otherwise they may, in their discretion, order that any inspectors”)

lines 29 and 30, leave out from (“Commissioner”) to the end of subsection (5), and insert (“the land judge, and a judge nominated for that purpose from time to time by the judges of the King’s Bench Division of the High Court:”)

BY THE LORD ATKINSON.

Page 25, line 30, leave out (“two”)

(19)

Clause 48—*continued.*

BY THE LORD DUNBOYNE.

Page 26, line 7, leave out (“ Commission ”) and insert (“ Commissioner ”)

line 26, leave out (“ or ”)

lines 26 to 27, after (“ determined ”) leave out (“ in the manner prescribed by a single arbitrator appointed by the Commissioners of Public Works in Ireland ”)

BY THE LORD ATKINSON.

Page 26, line 30, after (“ Acts ”) insert (“ Provided that, with the consent of all the parties interested, the amount of the aforesaid compensation may be determined on the principles aforesaid by the tribunal itself and instead of by an arbitrator ”)

BY THE LORD DUNBOYNE.

Page 26, line 30, after (“ Acts ”) insert (“ by two arbitrators, of whom one shall be appointed by the Congested Districts Board and the other by the vendor. Such arbitrators shall appoint an umpire within the time and in the manner prescribed, and if they fail or neglect to do so an umpire shall be appointed by the Lord Chief Justice of Ireland for the time being. The decision of the umpire on the matters on which the arbitrators may differ, or which may be referred to him, shall be final ”) and after subsection (10) insert the following new subsection—

(11) All moneys paid into the Bank of Ireland as compensation for lands purchased or taken under this part of this Act shall be dealt with as if they were the purchase money of lands purchased by the Land Commission, and the provisions of the Land Purchase Acts relative to such lands and purchase money shall as nearly as possible apply, whether in respect of the making of title, the making of vesting orders, the transfer of claims from the land to the purchase money, the distribution of the purchase money, or otherwise.

BY THE LORD ORANMORE AND BROWNE.

Leave out clause 48.

(197 ††.)

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Clause 48—continued.

BY THE LORD MACDONNELL.

Leave out clause 48 and insert the following new clauses :

Purchase by
voluntary
agreement.

47. The Land Commission acting on a requisition from the Congested Districts Board in accordance with the provisions of section forty-four of this Act, shall have power to purchase for the Board, by agreement, in the manner provided by this part of this Act—

- (a) Any congested estate which is situated in a congested districts county ;
- (b) Any untenanted land, which is required by the Congested Districts Board for the relief of congestion on any congested estate purchased or proposed to be purchased for them.

48.—(1) On receipt from the Congested Districts Board of the requisition aforesaid, the Land Commission shall propose to the person who appears to them to be the owner of the congested estate or untenanted land as aforesaid to enter into negotiations with him for the purchase of such estate or untenanted land, and if the owner agrees to enter into negotiations, may depute inspectors or other persons appointed by them to make such inquiries and do all such things as may be necessary to enable them to estimate the price to be offered for the estate or untenanted land aforesaid.

(2) When the Land Commission shall have completed the enquiries, they shall, without unnecessary delay, make to the owner or owners an offer in writing for the purchase of the estate or untenanted land, and such offer shall contain the following particulars—

- (a) A description of the estate or untenanted land to which the offer relates ;
- (b) The amount of the price which the Estates Commissioners are willing to give for the estate or untenanted land, subject—
 - (i) to any public rights affecting the estate or untenanted land ;
 - (ii) to any maintenance charges under the Public Works Acts ; and (in the case of an estate) ;
 - (iii) to any interests of the tenants or of persons having any claims upon those interests, and to

(21)

Clause 48—continued.

any easements, rights, and appurtenances mentioned in section thirty-four of the Act of 1896 ;

but save as aforesaid, and subject to the provisions of the Act of 1903 with respect to minerals discharged from the claims of all persons who are interested in the estate or untenanted land, whether in respect of superior or intervening interests or incumbrances or otherwise ; and

(c) The time within which the offer may be accepted ;

If within the prescribed time the offer is accepted in writing by any person who within the prescribed period satisfies the Estates Commissioners that he may be dealt with as the owner of the estate or untenanted land under section seventeen of the Act of 1903, the offer and acceptance shall, as from the date upon which the Estates Commissioners certify that they are so satisfied, have the same effect as an agreement for the purchase of the estate or untenanted land under the said Act as amended by this Act, and the like consequences shall ensue and the like proceedings shall be carried on as in the case of such an agreement.

49.—(1) In the following cases, namely—

(a) When the proposal to negotiate made by the Land Commission in accordance with subsection (1) of the last preceding section has been rejected by the owner ; or

Purchase by compulsory process.

(b) When the offer made by the Land Commission in accordance with subsection (2) of the last preceding section has been refused by the owner, the Land Commission shall, if the Congested Districts Board do not signify their wish to withdraw their requisition, proceed in the manner described in the following subsections of this section to acquire compulsorily the congested estate as aforesaid, or the untenanted land if such untenanted land is situated within any administrative county containing a congested districts county.

For the purpose of this section the West Riding of Cork shall be regarded as an administrative county.

Clause 48—*continued.*

(2) The Land Commission shall publish in the "Dublin Gazette" a notice of their intention to acquire the estate or untenanted land compulsorily for the purposes of the Congested Districts Board, and in such notice shall specify the prescribed particulars so far as they are known with respect to the land, and shall call upon any persons interested in the estate or land who may object to the acquisition thereof to lodge in the offices of the Land Commission within the prescribed period a statement of their objection based on one or more of the following grounds—

(a) That the estate or land is not suitable for the relief of congestion :

(b) That the acquisition of the estate or land is not necessary for the relief of congestion :

(c) That the estate or land and all within the categories of land exempted from acquisition by section fifty (4) of this Act.

(3) A copy of the aforesaid notice shall be served by the Land Commission as soon as may be in the prescribed manner upon the person who appears to them to be the owner and upon all persons known or believed by them to be interested in the estate or untenanted land.

(4) All such objection shall be heard and determined by the court and their decision shall be final. Costs not exceeding thirty pounds, to be paid by the Land Commissioners, may be awarded by the court to any person appearing to sustain or oppose any such objection.

(5) If it appears to the Court after having heard any objections to the acquisition of the estate or land lodged as aforesaid, that no valid objection has been raised to such acquisition, the Land Commission may do all such things as may be necessary to enable them to estimate the price, and may call on all persons interested and on the tenants of the estate to furnish the prescribed particulars within the prescribed time, and having estimated the price shall make an offer to the owner for the purchase thereof, discharged from the claims of all persons interested therein whether in respect of superior or intervening interests or incumbrances or otherwise at such price as appears to the Land Commission to be reasonable.

(6) The Land Commission shall upon making such offer give notice in the prescribed manner to all persons known or believed by them to be interested in the estate or land of their intention to

(23)

Clause 48—continued.

acquire the same at the aforesaid price unless within the prescribed period an application is made to the Court under this section by any person interested.

(7) Any person interested in the estate or land who is dissatisfied with the price offered, may within the prescribed period and in the prescribed manner apply to the Court to fix the price to be paid therefor.

(8) The Court shall have power to hear and determine all such applications and all questions of law and fact arising thereon, and make such orders as to costs as they think fit, and the decision of the court shall be final.

(9) For the purposes of this section, "the court" means a court constituted of one of the Estates Commissioners to be selected in rotation, the Judicial Commissioner and a Judge of the King's Bench Division of the High Court who is next in order on the rota mentioned in section two (11) of the Evicted Tenants (Ireland) Act, 1907, the last-mentioned Judge shall preside.

(10) Subject to any application duly made to the court under this section, and the determination of all questions arising thereon, the Land Commission shall proceed with the purchase of the estate or land, and shall lodge the purchase money in the Bank of Ireland within the prescribed time.

Clause 49.

BY THE LORD MACDONNELL.

Page 26, line 32, leave out ("tribunal") and insert ("court")

BY THE LORD DUNBOYNE.

Page 26, line 32, leave out ("cost") and insert ("costs")

BY THE LORD MACDONNELL.

Page 26, line 34, leave out from ("thereto") to the end of the clause.

BY THE LORD ORANMORE AND BROWNE.

Leave out clause 49.

After Clause 49.

BY THE LORD ATKINSON.

Insert the following new clause :

50. The percentage mentioned in section forty-eight of the Act of 1903 and in section five of this Act shall not be payable in the case of the sale of lands acquired compulsorily under the foregoing sections of this Act.

Clause 50.

BY THE LORD DUNBOYNE.

Page 27, line 2, after (“ county ”) insert (“ or ”)
line 3, leave out (“ or what ”)
line 4, leave out (“ Land ”) and insert (“ Church ”)
line 7, after (“ Act ”) insert (“ or ”)
line 8, leave out (“ or which ”)

BY THE LORD ORANMORE AND BROWNE.

Page 27, line 9, leave out from (“ Acts ”) to the end of line 11, and insert (“ or which is the property of any local authority, or “ has been acquired by any corporation or company for the “ purposes of a railway, dock, canal, water, or other public “ undertaking, or which at the date of the scheme forms part of “ any park, garden, pleasure ground, recreation ground, demesne, “ or home farm, or is required for the amenity or convenience of “ any dwelling-house ”)

BY THE LORD DUNBOYNE.

Page 27, line 11, after (“ farm ”) insert (“ or ”)

BY THE LORD CLEMENTS (*E. Leitrim*).

Page 27, lines 8 to 11, leave out subsection (3), and insert the following new subsection—

(3) Is or forms part of any demesne, home farm, townpark (within the meaning of the Land Law (Ireland) Acts), garden, pleasure ground, or recreation ground, or which is the property of a railway or canal company, and is or may be required for the purposes of their undertaking.

Clause 50—*continued*.

“ in the case of untenanted land, avoid all interference with the
“ demesne and amenity of residence of the owner of the land,
“ or with any home farm, or land immediately adjoining and
“ customarily occupied with his residence, and land shall be
“ selected with due regard to the general situation and con-
“ venience of any other property of the owner, so as not to
“ diminish the value thereof”)

BY THE LORD ORANMORE AND BROWNE.

Leave out clause 50.

Clause 51.

BY THE LORD ORANMORE AND BROWNE.

Leave out clause 51.

After Clause 51.

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*).

Insert the following new clause :

52. In the case of the acquisition of land compulsorily, such sum as the vendor may approve and the Land Commission may sanction not exceeding three per cent. upon the purchase money shall be paid out of the purchase money to the land agent of the estate on which such land is situated or to the agent acting as negotiator for the purposes of the sale (if any).

After Clause 52.

BY THE LORD MACDONNELL.

Insert the following new clauses :

53. Subject to the provisions of section fifty, clause four, land in the occupation of a person holding under a fee-farm grant or a lease for lives renewable for ever, or a lease for a term of years of

Untenanted
land.

After Clause 52—continued.

which not less than sixty are unexpired, shall for the purposes of the Act of 1903, the Evicted Tenants (Ireland) Act, 1907, and this Act, be deemed to be untenanted land.

Amendment
of 1 Edw. 7,
c. 34, s. 1(2).

54. Notwithstanding anything contained in section one, subsection (2) of the Congested Districts Board (Ireland) Act, 1901, the Congested Districts Board shall not be required to state in the notice served upon any tenant that they will provide him with a new holding on the same or an adjacent or neighbouring estate.

In the Schedules.

First Schedule.

BY THE LORD ORANMORE AND BROWNE.

Page 29, line 29, after (“ land ”) insert (“ the number of
“ years’ purchase represented by the advance, shall be calculated—

“ (a) In the case of land that has been let for periods of
“ less than one year, or that has been let for purposes
“ of agistment for any period, at the rent or annual sum
“ that has been paid for same on an average of the
“ preceding five years ;

“ (b) In the case of land that has not been so let, the rent
“ thereof (for the purpose of estimating the number of
“ years purchase) shall be taken to be (at the option of
“ the vendor) either—

“ (1) the average net annual profit for the preceding
“ five years, as shown by the vendor’s accounts ; or

“ (2) the fair annual value thereof, to be ascertained
“ by arbitration, as nearly as may be, in the manner
“ provided by section twenty-five of the schedule of
“ the Landlord and Tenant (Ireland) Act, 1870.”)

Irish Land Bill.

THIRD MARSHALLED LIST
OF AMENDMENTS TO BE
MOVED ON REPORT.

20th October 1909.

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Irish Land Bill.

[AS AMENDED ON REPORT.]

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(201.)

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Clause.

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Clause.

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B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto. A.D. 1909.

BE it enacted by the King'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:—

5

PART I.

LAND PURCHASE FINANCE.

10 1.—(1) In the case of advances made in pursuance of future purchase agreements, three pounds ten shillings shall be substituted for three pounds five shillings as the rate of the purchase annuity under section forty-five of the Irish Land Act, 1903 (in this Act referred to as the Act of 1903).

Alteration of amount of purchase annuity and of rate of interest payable to National Debt Commissioners. 3 Edw. 7. c. 37.

15 (2) So far as respects advances made for future purchase agreements, the rate of interest to be paid by the Land Commission to the National Debt Commissioners under section thirty-six, and by the Congested Districts Board to the Land Commission under section seventy-two of the Act of 1903, shall be three per cent. per annum, instead of two-and-three-quarters per cent. per annum.

20 (3) The National Debt Commissioners shall, in the accounts kept by them of the Irish Land Purchase Fund, distinguish between advances made in pursuance of pending purchase agreements and advances made in pursuance of future purchase agreements.

25 2.—(1) The power of the Treasury to create stock for the purpose of raising money required for the Irish Land Purchase Fund (including the Land Purchase Aid Fund) shall include (201.)

Power to raise new guaranteed three per cent. stock,

A.D. 1909.
and pro-
vision as to
investment
by savings
bank de-
positors in
stock.

power to create a new capital stock to be called guaranteed three per cent. stock, and the Treasury may at any time create for that purpose either guaranteed two-and-three-quarters per cent. stock or guaranteed three per cent. stock as they think fit.

(2) The provisions of the Act of 1903, relating to stock shall apply to guaranteed three per cent. stock created under this section as they apply to the guaranteed two-and-three-quarters per cent. stock created under that Act, with the substitution of three per cent. for two-and-three-quarters per cent. as the rate of dividend, and of thirty years from the passing of this Act for thirty years from the commencement of the Act of 1903, as the period after the expiration of which the stock is redeemable.

56 & 57 Vict.
c. 69.

(3) The definition of Government stock in subsection (2) of section five of the Savings Bank Act, 1893, shall be read as if stock issued under the Act of 1903 or this Act were included in the First Schedule to the said Savings Bank Act, 1893.

Power to
make ad-
vances by
guaranteed
stock under
certain cir-
cumstances.

3.—(1) Notwithstanding anything in section twenty-seven of the Act of 1903, advances for the purposes of the Land Purchase Acts may, subject to the provisions of this section, be made in whole or in part by means of stock in the manner and under the circumstances for which provision is made by this section.

(2) For the purpose of carrying into effect pending purchase agreements advances may, if the vendor agrees, be made by means of the issue to the prescribed persons, in the prescribed manner, and subject to the prescribed conditions, of such an amount of guaranteed two-and-three-quarters per cent. stock, as, at the market price of the day of issue (as certified in the prescribed manner) is equivalent to the sum to be advanced if that price is not below ninety-two pounds (ex-dividend) for an amount of stock of the nominal value of a hundred pounds, or if the stock is below that price by the issue of such an amount of stock as would be equivalent to the sum to be advanced if the stock were at that price.

(3) For the purpose of carrying into effect future purchase agreements advances may, if the Treasury think fit so to direct, be made by means of the issue of an amount of guaranteed three per cent. stock equal in nominal amount to the sum to be advanced and carrying dividends as from the date of the advance.

(4) Stock issued in pursuance of this section as the equivalent of an advance shall, as between the vendor and the purchaser, be accepted by the vendor as the equivalent of the corresponding amount of purchase money, and a vendor, although he is not an

[9 Edw. 7.]

Irish Land.

3

absolute owner, may agree to advances being made by stock under this section for the purpose of carrying out any pending purchase agreements, and any person having power to sell under the Land Purchase Acts, although he is not an absolute owner, 5 may enter into any future purchase agreement, notwithstanding that the purchase money may be payable in stock in pursuance of this section instead of in cash. A.D. 1909.

4.—(1) Regulations may be made by the Lord Lieutenant under subsection (8) of section twenty-three of the Act of 1903 10 for determining the priority in which advances, whether by means of money or of stock, or partly by means of money and partly by means of stock, may be sanctioned, and for allocating as between different classes of sales the total amounts from time to time 15 reasonably practicable, preserve the priority in which purchase agreements have been lodged with the Land Commission. Regulations as to priority.

(2) Every regulation made under that subsection shall be laid before both Houses of Parliament as soon as may be after it is made.

20 5.—(1) Any money which may be raised by the creation of stock under the Act of 1903 or this Act may be temporarily raised by the issue of bills or bonds in such form and for such period not exceeding seven years, and bearing such rate of interest not exceeding three per cent. as the Treasury may determine. Temporary borrowing by bills or bonds.

25 (2) The interest on or in respect of any such bills or bonds shall be charged and paid in the same manner as the dividends on stock under section twenty-nine of the Act of 1903, and the provisions of that Act respecting the income account of the Irish Land Purchase Fund shall apply as if the interest on or in respect 30 of the bills or bonds were dividends on stock.

(3) The principal money of any such bills or bonds shall, subject to the provisions of this Act, be repaid out of the Irish Land Purchase Fund, and, if the Capital Account of that Fund is insufficient, shall be charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof. 35

Stock or fresh bills or bonds may be issued for the purpose of raising the principal money required when necessary.

(4) Subsections (6) and (7) of section thirty-six of the Act of 1903 (which relate to the deficiency arising from the issue of stock 40 at a discount and the surplus arising from the issue of stock at a

A.D. 1909. — premium), shall apply in the case of the issue of bills or bonds under this section as they apply in the case of the issue of stock.

Amendment
of provisions
as to per-
centage.

6.—(1) The percentage payable under section forty-eight of the Act of 1903 shall be calculated at the rates specified in the First Schedule to this Act, and for the purposes of that section the percentage at the rates so specified shall be deemed to be the percentage under that section: 5

Provided that the percentage payable on the purchase money of an estate, which consists of or includes lands in respect of which there are purchase agreements entered into or deemed in pursuance of this section to have been entered into on or before the twenty-fourth day of November nineteen hundred and eight shall (so far as the percentage is payable in respect of the purchase of those lands) be calculated at the rate of twelve per cent. instead of being calculated under this section. 10 15

(2) An agreement for the purchase of any estate or land, though not entered into on or before the twenty-fourth day of November nineteen hundred and eight, shall be deemed, for the purposes of this section, to be a purchase agreement entered into on or before that date, where on or before that date— 20

- (a) the vendor has lodged an originating request in manner provided by rules made under the Act of 1903 with a view to the purchase of the estate or land by the Land Commission under section six of that Act or by the Congested Districts Board under section seventy-nine of that Act; or 25
- (b) the vendor has accepted a preliminary estimate of price made by the Land Commission with a view to the purchase of the estate or land under sections six or eight of the Act of 1903, or entered into a preliminary agreement with the Congested Districts Board with a view to the purchase of the estate or land under section seventy-nine of that Act; or 30
- (c) the Land Judge in the course of proceedings in which the estate or land is eventually sold to the Land Commission under section seven, or to the Congested Districts Board under section seventy-seven of the Act of 1903, has caused the Commission or Board to be furnished with particulars and documents respecting the estate or land in pursuance of either of these sections; or 35 40

(d) the Estates Commissioners have made an offer for the purchase of the estate or land under subsection (4) of section two of the Evicted Tenants (Ireland) Act, 1907. A.D. 1909.

5 (3) So much of section forty-seven of the Act of 1903 as limits the total of the sums payable to the Land Purchase Aid Fund to twelve million pounds shall cease to have effect.

7.—(1) The charge on the Guarantee Fund for any deficiency in respect of the issue of stock or bills or bonds at a discount shall extend only to the amount of the Ireland Development Grant which forms part of the cash portion of that fund; and the deficiency, so far as is not made good out of that amount, shall be made good out of moneys provided by Parliament. Provision as to making good deficiency in respect of stock issued at a discount.

15 (2) Any deficiency in respect of interest or sinking funds arising by reason of money being raised by means of three per cent. stock for the purpose of advances in respect of which interest is payable by the Land Commission to the National Debt Commissioners at the rate of two-and-three-quarters per cent. only shall be made good in the same manner as a deficiency arising in respect of the issue of stock at a discount is to be made good under subsection (6) of section thirty-six of the Act of 1903, as amended by this section.

25 8.—(1) Where stock is created for the purposes of the Land Purchase Acts, and issued under conditions which provide that the money to be raised thereby shall be paid up by instalments, dividends may be paid on the total nominal amount of the stock from any date fixed at the time of issue, although the instalments, or some or one of them, may not have been payable until after that date; and if the amount so paid by way of dividend exceeds the sum which would have been payable on the portion of the stock representing the money actually paid up, the difference shall be treated as part of the expenses of the issue of the stock. Bonus dividend to be treated as expenses of issue of stock.

35 (2) This section shall apply to any stock created and issued since the first day of July nineteen hundred and eight, as well as to stock issued after the passing of this Act.

40 9.—(1) Any person to whom an advance is made after the passing of this Act shall pay on the first gale day on which any payment in respect of the advance is due (in addition to the interest, or instalment of purchase annuity, due on that day), Advance dividend.
(201.) B

A.D. 1909. interest on the advance in respect of the period between the said
— gale day and the day on which the next dividends are payable
in respect of the stock issued under the Act of 1903 or this Act.

(2) The interest payable shall be at the rate at which the
Land Commission pay interest to the National Debt Commis- 5
sioners in respect of the advance, and shall be recoverable as if
it were part of the purchase annuity.

Remission
of stamp
duty.
6 Edw. 7.
c. 37.

10.—(1) The exemption from stamp duty given by section
twenty-three of the Labourers (Ireland) Act, 1906, shall extend 10
to any stamp duty payable on any mortgage or other security
given by a rural district council in respect of an advance by the
Irish Land Commission under section sixteen of that Act, or
payable under section eight of the Finance Act, 1899, in respect
of such an advance as being loan capital within the meaning of
that section. 15

(2) The Commissioners of Inland Revenue may remit any
such duty which has become payable since the commencement
of the Labourers (Ireland) Act, 1906, and return any such duty
which has been paid since that date and before the passing of
this Act. 20

(3) The exemption from stamp duty under section fifty of the
Act of 1903 shall extend to any instruments the stamp duty on
which is payable as expenses of the Land Commission in the same
manner as it applies to the instruments mentioned in that section.

Repayment
of advances
under
Labourers
(Ireland)
Act, 1906.
6 Edw. 7.
c. 37.

11.—(1) Advances made under section sixteen of the 25
Labourers (Ireland) Act, 1906 (which are by virtue of that section
repayable in like manner as advances under the Land Purchase
Acts), shall whether made before or after the passing of this Act
be repayable in like manner as advances made in pursuance 30
of pending purchase agreements, and as respects all such
advances the rate of interest paid by the Land Commission to
the National Debt Commissioners shall be two-and-three-quarters
per cent. per annum.

(2) The payment charged on the Ireland Development Grant
under section seventeen of the Labourers (Ireland) Act, 1906, 35
shall, so far as that grant is insufficient to meet the payment,
be defrayed out of moneys provided by Parliament instead of
being charged upon that grant. Provided that the total amount
of the payment to be charged on the said grant, or to be defrayed

out of moneys provided by Parliament, shall not exceed twenty-eight thousand pounds in any year. A.D. 1909.

12.—(1) Where by reason of the death of the purchaser or the transmission of the purchaser's interest in a holding, or in pursuance of a declaration of the Land Commission under section fifteen of the Act of 1903 with respect to a sub-tenancy or a subdivided holding, or in consequence of any direction of the Land Commission or of the Estates Commissioners, a fresh purchase agreement is entered into in substitution for an original purchase agreement previously made, any such fresh agreement shall, for the purposes of this Part of this Act, be deemed to be substituted for the original agreement, and, whenever lodged with the Land Commission, to have been lodged with the Land Commission at the date on which the original agreement was so lodged. Substituted agreements.

(2) Where a vendor at the request of the Land Commission enters into an agreement with the Land Commission or the Congested Districts Board for the sale to them of an estate consisting of or including lands, which he has proposed to sell to persons other than that Commission or Board and in respect of which purchase agreements have been lodged with the Land Commission on or before the twenty-fourth day of November nineteen hundred and eight, the percentage payable on the purchase money of the estate, or on that portion thereof which represents the purchase money of those lands (in the case of an estate comprising other lands) shall so far as the purchase money or the portion of the purchase money is not in excess of the aggregate of the purchase money fixed by the original agreements be calculated in the like manner and the purchase annuities payable on the re-sale of those lands shall be payable at the like rate as if the agreement for the sale of the estate had been entered into on or before the twenty-fourth day of November nineteen hundred and eight.

13. In this Part of this Act, unless the context otherwise requires,— Interpretation.

(a) The expression "pending purchase agreements" means agreements lodged with the Land Commission on or before the fifteenth day of September nineteen hundred and nine, or entered into on or before that date by or with the Land Commission or the Land Judge or the Congested Districts Board;

(201.)

B 2

A.D. 1909.

(b) The expression "future purchase agreements" means agreements lodged with the Land Commission or entered into by or with the Land Commission or the Land Judge or the Congested Districts Board after that date: 5

Provided that purchase agreements entered into at any time on the re-sale by the Land Commission or Congested Districts Board—

(i) of land purchased or agreed to be purchased by them on or before the fifteenth day of 10 September nineteen hundred and nine; or

(ii) of land being land in respect of which or comprised in an estate in respect of which a purchase agreement, though not actually entered into on or before the twenty-fourth day of November 15 nineteen hundred and eight, is deemed for the purposes of the provisions of this Part of this Act relating to the percentage payable under the Act of 1903, to have been entered into on or before that date; 20

shall be treated for the purposes of this Part of this Act as pending purchase agreements and not as future purchase agreements;

(c) An order of the Land Judge under section seven or section seventy-seven of the Act of 1903 vesting any 25 land in the Land Commission or the Congested Districts Board, and an order of the Estates Commissioners vesting land in the Land Commission under section two of the Evicted Tenants (Ireland) Act, 1907, shall for the purposes of this Part of this Act 30 be treated as an agreement entered into by that Commission or Board as the case may be;

7 Edw. 7.
c. 56.

(d) The expression "prescribed" means prescribed by the Treasury.

Power to
make rules.

14. The power of making rules conferred on the Treasury 35 by the Land Purchase Acts shall extend to the making of rules for carrying the provisions of this Part of this Act into effect, and for adapting to the requirements of this Act such provisions of the Land Purchase Acts or any other enactment passed prior to this Act as relate to land purchase finance. 40

[9 Edw. 7.]

Irish Land.

PART II.

A.D 1909.

LAND PURCHASE.

15.—(1) No advance exceeding the sum of three thousand pounds shall be sanctioned under the Land Purchase Acts to any tenant in pursuance of an agreement for the purchase of a holding entered into after the passing of this Act unless—

Limitation on amount of advances to tenant purchasers.

- (a) the tenant resides on the holding, or such holding is ordinarily used with the holding on which the tenant resides ; or
- 10** (b) the Land Commission consider that an advance of a larger amount not exceeding five thousand pounds may properly be sanctioned.

(2) A person shall be deemed to reside on a holding within the meaning of this section if he occupies a house or resides in the immediate neighbourhood for the purpose of working or managing the holding.

(3) Section two of the Purchase of Land (Ireland) Amendment Act, 1888, and subsection (4) of section one of the Act of 1903, shall cease to have effect save as regards advances in pursuance of purchase agreements entered into before the passing of this Act.

51 & 52 Vict. c. 49.

16.—(1) In the case of the sale of an estate to the Land Commission advances under the Land Purchase Acts may be made for the purchase of parcels thereof by the following persons :—

Advances for purchase of parcels of land.

- 25** (a) A person being the tenant or proprietor of a holding not exceeding ten pounds in rateable value ;
- (b) A person who has surrendered his holding for the purpose of relieving congestion ;
- 30** (c) A person who within twenty-five years before the passing of the Act of 1903, was the tenant of a holding to which the Land Law Acts apply, and had been evicted for non-payment of rent and had made application for reinstatement before the first day of May nineteen hundred and seven, and who is not at the date of the purchase the tenant or proprietor of that holding, or in case such person is dead, a person nominated by
- 35** the Land Commission as his personal representative ; and
- (d) Any person to whom in the opinion of the Land Commission after adequate provision has been made to

A.D. 1909:

satisfy the requirements of the persons mentioned in the preceding paragraphs of this subsection an advance ought to be made: Provided that no advance shall be made to the son of a tenant or proprietor of a holding of an annual rateable value of more than 5 thirty pounds, nor shall any advance be made to more than one son of the same tenant.

(2) Advances under this section shall not, together with the amount (if any) of any advance under the Land Purchase Acts, which has been made and is then unrepaid by the purchaser, or 10 for which an application by the purchaser is pending, exceed one thousand pounds: Provided that the limitation in this subsection may, subject to the other limitations in the Land Purchase Acts, be exceeded, where the Land Commission consider 15 that a larger advance may be sanctioned, to any purchaser without prejudice to the wants and circumstances of other persons residing in the neighbourhood.

(3) The Land Purchase Acts shall, subject to the provisions of this section, apply to the sale of a parcel of land in pursuance of this section in like manner as if the same was a holding and 20 the purchaser was the tenant thereof at the time of his making the purchase; and the expression "holding" in those Acts shall include a parcel of land in respect of the purchase of which an advance has been made in pursuance of this section.

(4) Section two of the Act of 1903 shall cease to have effect 25 save as regards the sale of any parcels of land in respect of which purchase agreements have been entered into before the passing of this Act, and save as aforesaid any reference in any enactment to that section shall be construed as a reference to this section.

Trustees for
the purposes
of turbary,
pasture, &c.

17.—(1) It shall be lawful for the Department of Agriculture 30 and Technical Instruction for Ireland, or the council of any county or of any rural district, to purchase any parcel of an estate under section four of the Act of 1903 for any of the purposes mentioned in that section, and the said Department or any such council, or any other body corporate having power to acquire land, may act 35 as trustees for those purposes, and may obtain advances for the purchase.

(2) Where any land is purchased by the said Department or a county council or rural district council under this section, the scheme for the user of the land mentioned in section twenty of the 40 Act of 1903 shall be framed or approved of by the Department and

the requirements of that section with regard to the framing or approval of the scheme by the Lord Lieutenant shall not apply. A.D. 1909.

(3) Where land is purchased by a county council or rural district council under this section, the amounts required for payment of the instalments of the purchase annuity shall be raised in the case of the county council as a county at large charge, and in the case of the rural district council as a district charge.

(4) It is hereby declared that the provisions of section four and of section twenty of the Act of 1903, as amended by this section, apply as well in the case of the sale of an estate to the Congested Districts Board as in the case of the sale of an estate to persons other than the Congested Districts Board.

18.—(1) Where a parcel of an estate is purchased or proposed to be purchased by trustees under section four of the Act of 1903 for the purpose of the planting of trees or the preservation of woods or plantations, and the parcel is subject to any grazing or other rights or easements appurtenant to holdings on the estate, the Land Commission may, if they think fit, on the application of the trustees, make an order releasing that parcel from all or any of those rights and easements upon such terms as to compensation and otherwise as may be agreed upon by the parties interested or, in default of agreement, may be determined by the Land Commission; and any such order shall be effectual to release the parcel from those rights and easements in the manner and to the extent therein specified.

Facilities for the planting and preservation of woods.

(2) Where any land is resold to the owner of an estate in pursuance of section three or section seventy-six of the Act of 1903, and the land is subject to any such rights or easements as aforesaid, the Land Commission may on the application of the owner exercise the powers conferred on them by the last preceding subsection as regards those rights and easements, if and so far as they are satisfied that the land, or portion thereof, is required by the owner for any of the said purposes.

(3) The Land Commission, on the application in the prescribed manner of any landlord who is desirous of selling an estate under the Land Purchase Acts, if they are satisfied that it is desirable that the landlord should be authorised to resume portion of a holding upon the estate for the purpose of planting trees or preserving woods or plantations or growing timber, and that the value of the holding will not be materially diminished by reason of the resumption, may authorise the landlord to resume that

A.D. 1909. — portion upon such terms as may be approved of by the Land Commission, including full compensation to the tenant, and may make an order accordingly apportioning the rent and discharging that portion of the holding from the tenancy.

Congested estates.

19.—(1) In subsection (5) of section six of the Act of 1903 5 (which defines a congested estate) “ten pounds” shall be substituted for “five pounds.”

(2) Where an estate not being a congested estate within the meaning of the said section as so amended, comprises within its area one or more congested townlands, the Land Commission, 10 or in the case of townlands situated in a congested district county, the Congested Districts Board, may with the consent of the owner declare all or any one or more of such townlands to be a separate estate for the purposes of the Land Purchase Acts, and such townland or townlands shall thereupon be deemed for those 15 purposes to be a separate congested estate.

(3) An estate which consists exclusively of one or more congested townlands shall be deemed to be a congested estate.

(4) The expression “congested townland” means a townland 20 more than one quarter of the area of which consists of—

(a) congested holdings; or

(b) holdings whose aggregate rateable value when divided by their number gives a sum of less than ten pounds for each holding: 25

The expression “congested holding” means—

(a) a holding not exceeding ten pounds in rateable value; or

(b) a holding held in rundale or intermixed plots.

Powers for facilitating re-sales. 1 Edw. 7. c. 34.

20. The powers for facilitating re-sales conferred on the 30 Congested District Board by section one of the Congested Districts Board (Ireland) Act, 1901, and on the Land Commission by section twelve of the Act of 1903, may be exercised whether the request mentioned in the said section one or in section eighty-two of the Act of 1903 is or is not made. 35

Power of Land Commission to determine disputes between tenants of holdings.

21. The powers of the Land Commission under section 40 twenty-two of the Act of 1903 to determine disputes between proprietors of holdings may be exercised on the application, in the prescribed manner, of any tenants on an estate in respect of which purchase agreements have been entered into or negotiations

for sale are pending, and the provisions of that section shall apply accordingly in like manner as if the tenants were proprietors of holdings. A.D. 1909.

- 22.—(1) When an estate is purchased or agreed to be
 5 purchased by the Land Commission or the Congested Districts
 Board, any person having power under the Land Purchase Acts
 to enter into an agreement for the purchase of a holding on
 the estate shall have power in the prescribed manner to enter
 10 into an agreement with the Land Commission or the Congested
 Districts Board, as the case may be, for the exchange of the
 holding for any other holding which is in the opinion of the
 Commission or the Board of not less value than the original
 holding and to surrender the original holding to the Commission
 or the Board accordingly.
- 15 (2) Upon the surrender of a holding by any person under
 this section all charges, liabilities, and equities affecting the
 tenant's interest in the holding shall, without any conveyance
 or order, be transferred to the interest acquired by that person
 in the new holding.
- 20 (3) The lands comprised in the original holding shall, not-
 withstanding the surrender of the holding, continue to be subject
 to all easements and profits a prendre to which they were subject
 at the time of the surrender.
- (4) For the purpose of any application or order under sub-
 25 section (6) of section one of the Congested Districts Board
 (Ireland) Act, 1901, with respect to charges, liabilities, and
 equities affecting the tenant's interest in a holding, it shall not
 be necessary to specify the several charges, liabilities, and equities,
 or any of them. 1 Edw. 7.
 c. 34.
- 30 (5) When a holding to which any charges, liabilities, or
 equities have been transferred, whether under this section or
 under section one of the Congested Districts Board (Ireland) Act,
 1901, is sold under the Land Purchase Acts, the particulars to be
 35 transmitted to the registering authority pursuant to section thirty-
 two of the Act of 1896 shall include particulars of the original
 holding from which the charges, liabilities, or equities have been
 transferred, and where the registering authority in any such case
 dispenses with the ascertainment of burdens, the note which he is
 required to make under subsection three of section twenty-nine
 40 of the Local Registration of Title (Ireland) Act, 1891, shall contain
 such modifications or additions as may be necessary for the purpose
 of protecting any transferred charges, liabilities, or equities. 54 & 55 Vict.
 c. 66.

(201.)

C

A.D. 1909.
Amend-
ment of
59 & 60 Viet.
c. 47. s. 35.

23. Where the tenant of any holding charged with the re-
payment of any moneys expended or to be expended by the
Land Commission or the Congested Districts Board in erecting
or improving buildings on the holding enters into an agreement
with the Commission or the Board for the purchase of the holding 5
under the Land Purchase Acts, he shall not by reason of any-
thing contained in section thirty-five of the Act of 1896 be
discharged from liability in respect of that charge.

Certain powers
and duties of
Land Commis-
sion to be ex-
ercised by
Estates Com-
missioners.

24. The jurisdiction, powers and duties of the Land Com-
mission under the foregoing provisions of this Part of this Act 10
shall be exercised and performed exclusively by the Estates
Commissioners.

Investment
of purchase-
money on
sales to
Land Com-
mission.

25. Where an estate is vested in the Land Commission by
a vesting order made by them, the purchase-money may be
paid into the Bank of Ireland and invested in like manner as 15
if the estate had been sold to persons other than the Land
Commission, and the provisions of subsection three of section
twenty-four of the Act of 1903, shall apply in the case of every
sale to the Land Commission where the purchase money has
been invested under this section. 20

Restriction
on amount
expended by
Land Com-
mission on
purchase of
congested
estates.

26. Without prejudice to any restriction under subsection (2)
of section nine of the Act of 1903, the Land Commission shall not
in any one year enter into agreements for the purchase of congested
estates which will involve, according to their estimates, a total loss
on the re-sale of the estates of a greater sum than that which may 25
be fixed by the Treasury for that year.

Provision of
money for
expenditure
on improve-
ments by
Land Com-
mission, and
closing of
reserve fund.

27.—(1) When the reserve fund established under para-
graph (b) of subsection (2) of section five of the Act of 1891 is
exhausted, any money required by the Land Commission for the
exercise of their powers under subsection (1) of section twelve of 30
the Act of 1903 shall, up to an amount approved by the Treasury
in each year, be paid out of moneys provided by Parliament.

(2) The said reserve fund shall, when it is exhausted, cease
to exist as a separate fund, and any sums which under any Act
or otherwise are to be paid into that reserve fund, shall be paid 35
into the Exchequer.

Provision as
to money
spent by
Land Com-
mission on

28.—(1) Regulations made by the Treasury may provide
that where the Land Commission have expended money on the
improvement of an estate purchased by them, and on the re-sale
of the estate the sums realised by them exceed the sum originally 40

advanced from the Irish Land Purchase Fund for the purchase of the estate, the National Debt Commissioners may advance to the Land Commission a sum equal to the excess, or if that sum exceeds the amount expended by the Land Commission on the improvements, a sum equal to the amount so expended, for repayment to the reserve fund if that fund has not been exhausted, and if that fund has been exhausted, for repayment to the Exchequer.

A.D. 1909.
improvements of estates purchased by them.

(2) Where the amount realised by the Land Commission on the re-sale of a congested estate, or of an estate not being a congested estate on the improvement of which the Land Commission have expended money, is less than the sum originally advanced from the Irish Land Purchase Fund for the purchase of the estate, the deficiency in the case of a congested estate, and in the case of an estate not being a congested estate, so much of the deficiency as does not exceed the amount so expended on improvements, shall be charged or remain charged, as the case requires, upon the reserve fund, if that fund has not been exhausted, and if that fund has been exhausted, or so far as that fund is not sufficient for the purpose, shall be paid out of moneys provided by Parliament, and credited in manner directed by the Treasury to the Irish Land Purchase Fund.

(3) Subsection (3) of section forty-three of the Act of 1903 shall cease to have effect.

29.—(1) Where the Land Commission deem it expedient to expend any money on the improvement of a holding sold or agreed to be sold by a landlord to a tenant, they may, in accordance with regulations to be made by the Treasury, enter into an agreement with the tenant for the repayment of the money so expended in the same manner as if such money was advanced under the Land Purchase Acts for the purchase of the holding, and the said money shall be repaid by an additional annuity accordingly.

Expenses of improvements by Land Commission on land sold by landlord to tenant.

(2) So far as circumstances admit the additional annuity shall in accordance with regulations to be made by the Treasury be consolidated and made payable with the purchase annuity.

(3) Regulations made by the Treasury may provide that where the repayment of any money expended by the Land Commission is secured by an additional annuity under this section, the National Debt Commissioners may advance to the Land Commission the said money for repayment to the reserve fund

A.D. 1909. if that fund has not been exhausted, and if that fund has been exhausted, for repayment to the Exchequer.

Amendment
of 3 Edw. 7.
c. 37. s. 48
(4).

30. For the purposes of subsection (4) of section forty-eight of the Act of 1903, an estate shall be deemed to be so circumstanced that it would, independently of the Act of 1896, be sold without the consent of the owner as to price if the consent of the person who is owner would not be required in his capacity as owner, notwithstanding that his consent might be required in the capacity of incumbrancer or some other capacity. 5 10

Amendment.
of 3 Edw. 7.
c. 37. s. 54.

31.—(1) As between the Land Commission and the proprietor for the time being of any holding for the purchase of which the Land Commission have, after the passing of this Act, made any advance under the Land Purchase Acts, the following conditions shall be imposed in addition to the conditions mentioned in section fifty-four of the Act of 1903, namely :— 15

The proprietor shall not, without the consent in writing in the prescribed form of the Department of Agriculture and Technical Instruction for Ireland, cut down or uproot, or permit to be cut down or uprooted, any tree (other than a fruit tree or osier) upon the holding which is necessary for the ornament or shelter of the holding; and if any such tree is cut down or uprooted in violation of this condition, the proprietor shall be guilty of an offence under this Act and shall be liable on summary conviction to a penalty not exceeding five pounds for each tree so cut down or uprooted, unless he satisfies the Court that he received the prescribed consent. 20 25

(2) Where, after the passing of this Act, a tenant enters into an agreement for the purchase of his holding under the said Acts, the foregoing condition with respect to the cutting and uprooting of trees shall, as from the date of the agreement, apply to the holding in like manner as if the advance had been made unless and until the application for an advance is refused or withdrawn. 30 35

(3) Subsection (2) and subsection (3) of section thirty of the Act of 1881, as amended by any enactment, shall apply to any sale by the Land Commission under this section.

(4) When the whole of the advance made for the purchase of a holding under the Land Purchase Acts has been repaid, 40

the conditions imposed by this section, or by section fifty-four of the Act of 1903, shall cease to have effect as regards the holding or the proprietor thereof. A.D. 1909.

32. The Land Commission, where interest on the purchase-money of any holding is payable to them, shall have for the recovery of such interest the same remedies as they have for the recovery of unpaid instalments of a purchase annuity. Recovery of interest.

33. The provisions of subsection (2) of section sixty-nine of the Act of 1903 (relative to the appointment by the Land Commission of an administrator of a deceased applicant for an advance) shall apply in any case where the applicant dies before the advance is made. Extension of 3 Edw. 7. c. 37. s. 69 (2).

34. Where interest on the purchase money of any land agreed to be sold under the Land Purchase Acts is payable— Payments out of interest on purchase money before vesting.

15 (a) to the Land Commission under section thirty-five of the Act of 1896; or

(b) by the Land Commission or Congested Districts Board under section eighteen of the Act of 1903 as extended by this Act,

20 the owner of any superior or intervening interest or any incumbrancer may at any time before the land is vested in the purchaser or purchasers apply to the Land Commission for an order that payment in respect of the annual income of his claim be made to him out of the interest on the purchase money, and in such **25** case the Commission, if they are satisfied that the justice of the case so requires, may make the order accordingly.

35.—(1) The powers conferred on the Land Commission by section one of the Irish Land Act, 1907, for the purpose of the disposal of the mining rights mentioned in that section shall **30** include a power to demise such rights to any person by way of take note or prospecting lease for any term not exceeding two years, at such rent and upon such conditions as the Land Commission think proper, with an option to the lessee to take a reversionary lease upon the like or such other terms as may be **35** agreed on. Amendment of 7 Edw. 7. c. 38.

(2) On any demise under the said Act of 1907 as amended by this section a royalty rent variable according to the price or value of the minerals gotten, or a fixed rent or both may be reserved to the Land Commission.

A.D. 1909.

(3) It shall not be obligatory upon the Land Commission to publish the advertisement mentioned in subsection (5) of section one of the said Act on granting any such reversionary lease if an advertisement has been published pursuant to that subsection before the execution of the take note or prospecting lease. 5

Powers of investment.

36.—(1) Where any land purchased by means of an advance under the Land Purchase Acts is settled land within the meaning of the Settled Land Acts, 1882 to 1890, the trustees of the settlement may, on the request of the tenant for life, notwithstanding anything in the settlement to the contrary, invest the purchase money, or any part thereof, in the following manner (that is to say):— 10

(a) With the sanction of the Public Trustee—

(i) in any of the public stocks or funds or Government securities of any foreign government or state, or 15

(ii) in mortgages, bonds, debentures, or debenture stock charged upon the undertaking of any railway company in the United States of America, Mexico, the Argentine Republic, or Canada, which has, during each of the five years last past before the date of investment, paid a dividend on its preference stock (if any) or its ordinary stock; 20

(b) and without such sanction—

(i) in the mortgages, bonds, debentures, or debenture stock of any railway company in the United Kingdom incorporated by special Act of Parliament which has, during each of the five years last past before the date of investment, paid a dividend on its preference stock (if any) or its ordinary stock, or in the preference stock of any such railway company which has, during a like period, paid a dividend on its ordinary stock; 25 30

(ii) in the stocks or shares of any tramway or light railway, dividends upon which are guaranteed under the Tramways (Ireland) Acts, 1860 to 1900; or 35

(iii) in the stock, mortgages, bonds, debentures, or debenture stock issued or to be issued by the

council of any county or urban district in the United Kingdom under the authority of any Act or Provisional Order ;

A.D. 1909.

and may from time to time, subject to the like conditions, vary
5 any such investment.

(2) The Public Trustee, in any case in which his sanction is required for an investment under this section, shall, before sanctioning the investment, satisfy himself that there is a reasonable probability that the investment will, if realised on the death
10 of the tenant for life or the termination of the trust, produce an amount not less than the sum invested; and the Public Trustee shall not incur any liability on account of any sanction given or withheld by him in good faith.

(3) The powers of investment conferred upon trustees by
15 this section shall be in addition to any powers of investment conferred on them by the terms of the settlement or by Act of Parliament, and such last-mentioned powers may be exercised notwithstanding anything to the contrary in the settlement.

(4) A trustee shall not incur any liability by reason of any
20 investment made by him in exercise of the powers conferred by this section.

(5) Subsections (1), (2), and (3) of section fifty-one of the Act of 1903 shall cease to have effect.

37. A barrister-at-law or solicitor shall not be deemed to have retired from practice by reason of his having been temporarily appointed and having acted as an examiner of the Land Commission under the provisions of the Land Purchase Acts.

Examiners
of title.

38. Where the immediate landlord of any holding or holdings
30 has not an interest sufficient to constitute him a person having power to sell to tenants under the Land Purchase Acts, the next superior landlord having such an interest shall be deemed to be a person having power to sell to occupying tenants under the said Acts notwithstanding that the said holding or holdings constitute
35 the whole estate of such superior landlord, and section fifteen of the Act of 1903 shall apply accordingly.

Provision as
to immediate
landlords not
having
power to
sell.

PART III.

CONGESTED DISTRICTS.

39.—(1) From and after the appointed day the Congested
40 Districts Board for Ireland shall be a body corporate, bearing the

Incorporation of the
Congested

A.D. 1909. name of the "Congested Districts Board for Ireland," with a capacity to acquire and hold land and to sue and be sued by its corporate name.

Districts Board.

(2) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of a permanent member of the Board or of the secretary. 5

(3) In the execution or performance of any power or duty conferred upon or transferred to the Board, by or in pursuance of any enactment, the Board shall adopt and use the style and seal of the Congested Districts Board for Ireland. 10

(4) The powers and duties of the trustees of the Congested Districts Board for Ireland under any enactment shall on the appointed day be transferred to the Board.

(5) Subsection (3) of section thirty-four of the Act of 1891 and subsections (2) and (3) of section two of the Congested Districts Board (Ireland) Act, 1893, shall cease to have effect as from the appointed day. 15

56 & 57 Vict. c. 35.

Congested districts counties and local authorities.

40.—(1) The council of any administrative county comprising a congested districts county may, at the request of the Congested Districts Board, appoint a committee for any electoral division or for any other area in the congested districts county, consisting partly of members of their own body, and partly of other persons for the purpose of obtaining such information and furnishing such suggestions as the Board may require, and of generally assisting the Board in the relief of congestion in the congested districts county. 20 25

(2) The Local Government Board for Ireland in consultation with the Congested Districts Board may make rules regulating the election, meetings, and procedure of the said joint committee. 30

Transfer of certain powers and duties of the Board to the Department of Agriculture.

41. The powers and duties of the Congested Districts Board under any enactment, so far as they relate to any of the following matters; namely:—

- (a) The provision of seed potatoes or seed oats;
- (b) Agricultural instruction or practical husbandry; 35
- (c) The aiding and developing of industries, forestry, or the breeding of live stock or poultry; or
- (d) The aiding and developing of sea fisheries;

shall on the appointed day be transferred to the Department of Agriculture and Technical Instruction for Ireland (in this Part of this Act referred to as the Department) and shall from that day cease to be exercised or performed by the Board. A.D. 1909.

- 5 **42.** As from the appointed day an annual sum of one hundred and sixty-three thousand seven hundred and fifty pounds shall be paid out of moneys provided by Parliament, as follows:—

Provision of money for Board and Department of Agriculture.

- 10 Out of that sum an annual sum of nineteen thousand pounds shall be paid to the Department for the purpose of the exercise of the powers and the performance of the duties transferred to the Department under this Act, and the residue shall be paid to the Congested Districts Board:

- 15 Provided that at any time after the expiration of five years from the appointed day the Lord Lieutenant may, on the application of the Department or the Board, from time to time direct that the amount payable to the Department for the purpose aforesaid shall be increased or reduced, and the increased or reduced amount shall as from the date fixed by the Lord Lieutenant be the amount payable to the Department under this
- 20 section.

43.—(1) Where any powers and duties are transferred by this Part of this Act from one authority to another authority—

Provisions consequential on transfer of powers and duties.

- 25 (i) all property, whether real or personal (including easements and rights and things in action) held by or in trust for or vested in the first authority for the purpose or by virtue of those powers and duties, shall without any conveyance or assurance pass to and vest in the other authority subject to all debts and liabilities affecting the same; and
- 30 (ii) the latter authority shall hold the property for the estate interest and purposes and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not passed so far as the same are not modified by or in
- 35 pursuance of this Act; and
- (iii) all debts and liabilities of the first authority incurred by virtue of those powers and duties shall become debts and liabilities of the latter authority; and
- 40 (iv) in any proceedings relating to those powers and duties and pending at the time of the transfer to which the
- (201.)

A.D. 1909.

first authority is a party, the latter authority shall be substituted for the first authority and the proceedings shall not abate by reason of the substitution; and

(v) any reference to the first authority in any enactment, order, instrument, contract, or other document in relation to those powers or duties shall, so far as is necessary for the exercise of those powers or the discharge of those duties, be construed as a reference to the latter authority.

(2) The expression "authority" in this section means the Congested Districts Board, the Department and the trustees of the Congested Districts Board.

Orders in Council.

44.—(1) The Lord Lieutenant, by Order made with the advice of the Privy Council, may make such regulations as appear to him necessary or expedient for carrying into effect this Part of this Act.

(2) An Order of the Lord Lieutenant made as aforesaid under this section shall be laid before both Houses of Parliament as soon as may be after it is made, and if within the next subsequent forty days on which either House has sat that House presents an address to His Majesty praying that any such Order may either in whole or in part be annulled, His Majesty in Council may annul the same either in whole or in part as the case may require, and the Order or part so annulled shall thenceforth become void without prejudice to the validity of any proceedings taken under the same in the meantime:

Provided that where any Order or any part thereof is so annulled, the Lord Lieutenant may within six months thereof make, by and with the advice aforesaid, another Order in place of the Order or part so annulled, subject nevertheless to be laid before Parliament, and to be annulled by His Majesty in Council in manner above mentioned, and so on as often as the case requires.

Grant of superannuation allowances by Congested Districts Board.

45. The Congested Districts Board may, with the approval of the Treasury, make a scheme providing for the grant of pensions or gratuities, according to the scale and subject to the conditions (so far as applicable) prescribed by the Superannuation Acts, 1834 to 1892, or any Acts amending the same, to such officers or persons employed by them, not being otherwise pensionable, as may be from time to time approved by the Treasury; and the

Board may pay to any such officers or persons out of the funds at their disposal such pensions or gratuities under the scheme as the Treasury may sanction in each case. A.D 1909.

46.—(1) From and after the appointed day, the Congested Districts Board shall cease to exercise any power to acquire land save as otherwise provided in this section. Acquisition of land by Congested Districts Board.

(2) Where any congested estate situated in a congested districts county (or any estate so situated, for the sale of which an absolute order has been made under the Landed Estates Court (Ireland) Act, 1858), or any untenanted land, is required by the Congested Districts Board for the purposes of the Congested Districts Board (Ireland) Acts, as amended by this Act, the Board shall issue a requisition calling upon the Land Commission to take steps to acquire the estate or untenanted land otherwise than by the exercise of the compulsory powers by this Act conferred upon them, and shall state what in their opinion would be the fair price of such land.

(3) Upon the receipt of such requisition the Land Commission shall take all reasonable and proper steps to acquire the estate or land by voluntary agreement, on such terms as they shall, in the circumstances, deem reasonable, in the manner provided by this Act in the case of sales other than compulsory, and shall thereafter make an order which shall be effectual to transfer to and vest in the Congested Districts Board such estate or untenanted land for all the rights acquired by the Land Commission therein :

Provided that, if the untenanted land be not situated in a congested districts county, the Land Commission, before making such an order as aforesaid in respect of such land, may sell such parcel or parcels thereof under the Land Purchase Acts to any tenant or proprietor of a congested holding on or immediately adjacent to such land as will raise such holding or holdings to a valuation of ten pounds, and shall make such order as aforesaid only in respect of the balance of such land remaining over after the sale of such parcel or parcels as aforesaid.

(4) Notwithstanding anything in this section, the Congested Districts Board may, for the purpose of the Congested Districts Board (Ireland) Acts, purchase the interests from the occupying tenant in any holding provided the tenant accept the price offered by the Board, otherwise the Board shall proceed to acquire such interest in the manner provided in this Act,

A.D. 1909.
Inclusion or
exclusion of
electoral dis-
tricts by
Lord Lieu-
tenant as
congested
under pro-
visions of
54 & 55
Vict. c. 48.

47. If at any time on a representation in the prescribed form from the Congested Districts Board it appears expedient to the Lord Lieutenant, acting by and with the advice of the Privy Council, to include under the provisions of section thirty-six of the Purchase of Land (Ireland) Act, 1891, an electoral division or any part thereof other than the divisions already scheduled as congested under that section, or at any time after consultation with the Board to exclude from that provision any electoral division, or part thereof, which is now included, it shall be lawful for him to include or exclude, as the case may be, such division, or part thereof :

Provided that no division, or part thereof, shall be included which is not situated in an administrative county which contains a congested districts county.

Sales of par-
cels of land
by Con-
gested Dis-
tricts Board.

48.—(1) The Board may sell any parcels of any land purchased by them before the passing of this Act or purchased on their requisition under this Act to any tenants or proprietors of holdings in a congested districts county.

(2) If any parcels of such land are not required for, or having regard to the circumstances of the estate, land, or district cannot advantageously be sold to, such tenants or proprietors, the Board may, subject to the provisions as to the making of advances under the Land Purchase Acts contained in section fifteen of this Act, sell those parcels to whomsoever they think fit having regard to the welfare of the locality.

(3) Where the Congested Districts Board sell any parcel of land to the son of any tenant or proprietor under this section, they shall insert in their annual report to the Lord Lieutenant full particulars of the sale and the circumstances in which the same was made.

(4) The provisions of this Act with respect to the application of the Land Purchase Acts to parcels of land shall apply in the case of the sale of any parcel of land under this section.

(5) Section seventy-five of the Act of 1903 shall cease to have effect.

Application
of s. 18 of
3 Edw. 7.
c. 37 to land
acquired by
Land Com-

49. When after the passing of this Act the Land Commission acting on a requisition from the Congested Districts Board enter into an agreement for the purchase of an estate or untenanted land, or compulsorily acquire an estate, or untenanted land for

[9 Edw. 7.]

Irish Land.

25

the Board, the provisions of section eighteen of the Act of 1903 (which relates to rents and profits recoverable by the Land Commission) shall apply in like manner as they apply in the case of land agreed to be purchased by the Land Commission, subject to the following modifications (that is to say):—

A.D. 1909.
—
mission on
requisition
of Congested
Districts
Board.

- (a) The Congested Districts Board shall be substituted for the Land Commission ;
- (b) All rents and profits and arrears of rent payable to the Board shall be recoverable by the Board in like manner as if the Board were the owner of the estate or untenanted land.

PART IV.

COMPULSORY PURCHASE.

50. Where the Congested Districts Board are of opinion that it is desirable to acquire land for the purpose of relieving congestion in any portion of a congested districts county, by adding to the holding of any proprietor or tenant of a holding therein of a rateable value of less than ten pounds, such parcel or parcels of land as will, when added to such holding, raise the rateable value thereof, so far as the same can at the time of such addition be reasonably estimated, to the sum of ten pounds, or by providing a holding for a person who has surrendered his holding for the purpose of relieving congestion, they may, with the consent of the owner, proceed to inspect such land as may seem suitable for their purposes, and ascertain the amount which the owner thereof may demand for the sale to them of such land, and if the owner shall refuse such consent to inspection, or to state the price which he would accept for said land, such refusal shall be held to be sufficient grounds for the Congested Districts Board proceeding as herein-after provided. If they are satisfied that land sufficient and suitable for that purpose cannot be acquired on their behalf by voluntary agreement at a reasonable price, they may submit to the Land Commission a scheme setting forth the land which they propose should be so acquired for the purposes aforesaid on their behalf, the extent, nature, boundaries, and condition thereof, and the names of the person or persons by whom the same owned, occupied, or used and enjoyed, the mode in which it is used, worked, or cultivated, together with such further and other particulars as may be prescribed. An authentic copy of such scheme, signed by the secretary of the Board, shall be lodged

Scheme for
compulsory
purchase to
be submitted
to Land
Commission
by Con-
gested Dis-
tricts Board.

A.D. 1909. in the offices of the Land Commission in the time and manner prescribed, together with a statement under the hand of the aforesaid secretary, setting forth in detail the facts which, in the opinion of said Board, establish that the land sufficient and suitable for the aforesaid purpose cannot be acquired by 5 voluntary purchase at a reasonable price.

Compulsory purchase.

51. The Estates Commissioners shall consider the said scheme and the matters set forth in the said statement and if satisfied that it is *primâ facie* necessary that the land therein mentioned should be acquired compulsorily for the purposes 10 therein set forth, shall proceed so to acquire the same in manner herein-after provided :—

(1) The Estates Commissioners shall publish in the " Dublin Gazette " a notice containing the prescribed particulars with respect to the lands proposed to be acquired, and 15 calling upon any person interested in the same who may object on any ground to the acquisition thereof compulsorily under this section to lodge in the office of the Land Commissioner, within the prescribed time, a statement of the grounds of his or her objections : 20

(2) A copy of the aforesaid notice shall be served by the Estates Commissioners so soon as may be, in the prescribed manner, upon any person who appears to them to be the owner or an owner of the said land or any part thereof, and upon all persons known or 25 believed by them to be interested therein :

(3) At any time after the publication of the aforesaid notice, any inspectors of the Estates Commissioners or other persons appointed by them in that behalf may enter upon the land and do all such things as may be 30 necessary for the purpose of enabling the three Commissioners aforesaid to determine whether the said land is suitable for the purpose for which it is sought to be acquired :

(4) If no objection has been made by any of the persons 35 aforesaid to the acquisition thereof under this Act, or any such objection, if made, has been withdrawn, the Estates Commissioners may make an order that on payment into the Bank of Ireland of the compensation for the lands taken, and also for any other land of 40 the same owner or owners injuriously affected (such

compensation to be ascertained in the manner herein-
after provided), the said land, or such portion thereof as
they shall specify, shall vest in the Land Commission : A.D. 1909.

- 5 (5) If an objection has been made and has not been withdrawn,
the same shall be inquired into, heard, and determined
in open court, the parties interested having been given
an opportunity of being heard by a tribunal herein-after
called the tribunal, composed of the Judicial Commis-
10 sioner and the land judge, together with the judge of
the King's Bench Division of the High Court who is
next in order on the rota mentioned in section two, sub-
section eleven, of the Evicted Tenants (Ireland) Act,
1907. The said last-mentioned judge shall preside :
- 15 (6) If every objection so made should be over-ruled, an order
may be made by this tribunal similar to that which
may be made by the aforesaid Commissioners where no
objection has been made, and, in addition, costs not
exceeding thirty pounds in amount may be awarded to
20 any person appearing to sustain or oppose any objection,
same to be paid by the Land Commission :
- 25 (7) If every objection so made and not withdrawn shall not
be over-ruled, then, subject to the appeal herein-after
mentioned, no further proceedings shall be taken
without the consent of the Judicial Commissioner to
acquire the said lands compulsorily for a period of
five years :
- 30 (8) An appeal shall lie to the Court of Appeal from any
decision of the said tribunal on any question of law,
or mixed question of law and fact. The Court of
Appeal shall have jurisdiction and power, on the
hearing of the appeal, to make any order, including an
order as to cost, which the tribunal could have made,
and the same consequences shall follow upon the
35 making of such an order as would have followed if
the same had been made by the said tribunal :
- (9) The decision of the Court of Appeal shall be final :
- 40 (10) Upon the making of an order by the aforesaid tribunal or
by the Court of Appeal over-ruling all objections, or of
the making of an order by the said Commissioners
where no objection has been made, or if made has been
withdrawn, or within a reasonable time thereafter the

A.D. 1909.

compensation payable in respect of the lands taken or injuriously affected shall be determined on the principles on which compensation is awarded for lands taken compulsorily under the Lands Clauses Acts by two arbitrators, of whom one shall be appointed by 5 the Congested Districts Board and the other by the vendor. Such arbitrators shall appoint an umpire within the time and in the manner prescribed, and if they fail or neglect to do so an umpire shall be appointed by the Lord Chief Justice of Ireland for 10 the time being. The decision of the umpire on the matters on which the arbitrators may differ, or which may be referred to him, shall be final: Provided that, with the consent of all the parties interested, the amount of the aforesaid compensation may be determined on 15 the principles aforesaid by the tribunal itself instead of by arbitration:

- (11) All moneys paid into the Bank of Ireland as compensation for lands purchased or taken under this Part of this Act shall be dealt with as if they were the purchase 20 money of lands purchased by the Land Commission, and the provisions of the Land Purchase Acts relative to such lands and purchase money shall as nearly as possible apply, whether in respect of the making of title, the making of vesting orders, the transfer of 25 claims from the land to the purchase money, the distribution of the purchase money, or otherwise.

Modification of scheme by Congested Districts Board.

52. The Congested Districts Board may at any time, with the consent of the tribunal, and on such terms as to payment of costs and otherwise as the latter may deem fit to impose, modify the 30 scheme so lodged by them to meet any objection raised thereto.

The Court of Appeal may in cases pending before it on appeal permit the said scheme to be modified on similar terms.

Lands which may not be acquired compulsorily under preceding sections.

53. Land shall not be acquired compulsorily under the provisions of the preceding sections which— 35

- (1) Is situate without an administrative county containing a congested districts county. For the purpose of this subsection the west riding of the county of Cork shall be deemed an administrative county; or
- (2) Has been acquired by a tenant under the provisions of 40 the Irish Church Act, 1869, or purchased under the

Land Purchase Acts as defined by the Redemption of Rent (Ireland) Act, 1891, the Irish Land Act, 1903, or this Act; or

A.D. 1909.

5 (3) Is in the occupation of an owner within the meaning of the aforesaid Land Purchase Acts, or which is the property of any local authority, or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the scheme forms part of any park, garden, pleasure ground, recreation ground, demesne, or home farm, or is required for the amenity or convenience of any dwelling-house; or

10 (4) Is of an annual rateable value not exceeding two hundred pounds, and is occupied and cultivated as a farm according to a reasonable course of husbandry by a person holding under a fee-farm grant, or a lease for lives renewable for ever, or for a term of years of which not less than sixty are unexpired. Provided always that, in the exercise of the powers for the acquisition of land conferred by this Act, the Estates Commissioners shall, in the case of untenanted land, avoid all interference with the demesne and amenity of residence of the owner of the land, or with any home farm, or land immediately adjoining and customarily occupied with his residence, and land shall be selected with due regard to the general situation and convenience of any other property of the owner, so as not to diminish the value thereof.

30 **54.** Land shall not be acquired compulsorily for the purpose of being sold, nor shall it, if so acquired, be sold to any person or persons other than those herein-before mentioned, and under the conditions and restrictions herein-before set forth.

Land not to be acquired compulsorily for purpose of being sold.

PART V.

SUPPLEMENTAL.

35 **55.** In this Act, unless the context otherwise requires,— Definitions.
The expression “prescribed,” in any case not otherwise provided for, means prescribed by rules made by the Judicial Commissioner and the Estates Commissioners in the manner directed by subsection (13) of section

40 twenty-three of the Act of 1903;

(201.)

E

- A.D. 1909. The expression "the Land Purchase Acts" includes the
Land Purchase Acts as defined by the Act of 1903, the
7 Edw. 7. Irish Land Act, 1907, and Parts I., II., and IV. of this
c. 38. Act ;
- The expression "the Land Law Acts" means the Land Law 5
Acts as defined by the Act of 1903 and Part V. of this
Act ;
- 44 & 45 Vict. The expression "the Act of 1881" means the Land Law
c. 49. (Ireland) Act, 1881 ;
- 50 & 51 Vict. The expression "the Act of 1887" means the Land Law 10
c. 33. (Ireland) Act, 1887 ;
- 54 & 55 Vict. The expression "the Act of 1891" means the Purchase
c. 48. of Land (Ireland) Act, 1891 ;
- 59 & 60 Vict. The expression "the Act of 1896" means the Land Law
c. 47. (Ireland) Act, 1896 ; 15
- 3 Edw. 7. The expression "the Act of 1903" means the Irish Land
c. 37. Act, 1903 ;
- The expression "the Judicial Commissioner" means the
Judicial Commissioner appointed under the Act of 1881 ;
and 20
- The expression "appointed day" means such day as the
Lord Lieutenant may appoint.
- Untenanted **56.** Subject to the provisions of section fifty, clause four, land
land. in the occupation of a person holding under a fee-farm grant or
a lease for lives renewable for ever, or a lease for a term of years 25
of which not less than sixty are unexpired, shall for the purposes
of the Act of 1903, the Evicted Tenants (Ireland) Act, 1907, and
this Act, be deemed to be untenanted land.
- Construc- **57.** Parts I., II., and IV. of this Act shall be construed as
tion. one with the Land Purchase Acts, and may be cited with those 30
Acts.
- Part III. of this Act shall be construed as one with the
Congested Districts Board (Ireland) Acts, and may be cited with
those Acts.
- Part V. of this Act shall be construed as one with the Land 35
Law Acts, and may be cited with those Acts.
- Short title. **58.** This Act may be cited as the Irish Land Act, 1909.
- Repeals. **59.** The Acts specified in the Second Schedule to this Act
are hereby repealed to the extent mentioned in the third column
of that schedule. 40

SCHEDULES.

A.D. 1909.

FIRST SCHEDULE.

(1) The percentage shall be a percentage on the amount advanced in respect of each holding and parcel of land comprised in the estate, and shall be calculated according to the number of years' purchase represented by the advance upon the following scale:—

Number of years' purchase represented by the Advance.						Rate of Percentage.	
(1) Where the Rent is a Judicial Rent fixed or agreed to since the passing of the Act of 1896, or the Land is untenanted.			(2) Where the Rent is a Judicial Rent fixed or agreed to before the passing of the Act of 1896, or a Non-Judicial Rent.				
10	26 and upwards	-	-	24 and upwards	-	-	Nil
	25 and under 26	-	-	23 and under 24	-	-	3
	24 " 25	-	-	22 " 23	-	-	4
15	23 " 24	-	-	21 " 22	-	-	6
	22 " 23	-	-	20 " 21	-	-	8
	21 " 22	-	-	19 " 20	-	-	10
	20 " 21	-	-	18 " 19	-	-	12
	19 " 20	-	-	17 " 18	-	-	14
20	18 " 19	-	-	16 " 17	-	-	16
	Under 18	-	-	Under 16	-	-	18

(2) In cases where an estate is purchased by the Estates Commissioners or the Congested Districts Board, and the advance is made in respect of the estate as a whole, the advance shall, for the purpose of the application of the scale, be apportioned between the holdings and parcels of land comprised in the estate in such manner as the Estates Commissioners or the Congested Districts Board, as the case may be, direct.

(3) In the case of the purchase of a parcel of untenanted land, and in any case where the amount advanced is less than the purchase money, the number of years' purchase represented by the advance shall be calculated in manner prescribed by the Treasury.

A.D. 1909.

SECOND SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
51 & 52 Vict. c. 49.	The Purchase of Land (Ireland) Amendment Act, 1888.	Section two, save as regards advances in pursuance of purchase agreements entered into before the passing of this Act.	5
54 & 55 Vict. c. 48.	The Purchase of Land (Ireland) Act, 1891.	Section thirty-four, from "consisting" to the end of the section, as from the appointed day.	10
56 & 57 Vict. c. 35.	The Congested Districts Board (Ireland) Act, 1893.	Subsections (2) and (3) of section two.	
3 Edw. 7. c. 37	The Irish Land Act, 1903.	In section one, subsection (4), save as regards advances in pursuance of purchase agreements entered into before the passing of this Act.	15
		Section two, save as regards sales of parcels of land in respect of which purchase agreements have been entered into before the passing of this Act.	20
		In subsection (4) of section six, the words "with the consent of the owner."	
		Subsection (3) of section forty-three.	25
		Section forty-four.	
		In subsection (1) of section forty-seven, from "provided" to end of subsection.	
		Subsection (3) of section forty-eight, subsections (1), (2), and (3) of section fifty-one.	30
		Section seventy-five.	

Irish Land.

A

B I L L

[AS AMENDED ON REPORT]

INTRODUCED

An Act to amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto.

(Brought from the Commons 20th September 1909.)

Ordered to be printed 20th October 1909.

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(201.)

Irish Land Bill.

A M E N D M E N T S

T O B E M O V E D O N T H I R D R E A D I N G .

BY THE LORD KENMARE (*E. Kenmare*).

Clause 5, page 4, line 2, after subsection (4) insert the following new subsection—

(5) Any vendor may agree to advances being made in bills or bonds issued under this section as in the case of stock under section three on conditions prescribed by the Treasury.

Clause 13, page 7, line 37, leave out (“lodged with Land “ Commission ”) and insert (“entered into”)

page 8, line 2, leave out (“lodged with the Land “ Commission ”) and insert (“entered into”)

After clause 54, at the beginning of Part V., insert the following new clause—

55. In the case of an estate where the majority of tenants have signed purchase agreements before the specified date, agreements may, with the consent of the Treasury, be accepted from the remaining tenants by the Estates Commissioners, and be deemed to be pending agreements as defined by this Act.

BY THE LORD BRODRICK (*V. Middleton*).

After clause 5 insert the following new clause—

4. Where a vendor, under future purchase agreements receives payment in stock instead of in cash, all charges, duties, incumbrances, and redemption prices of quit-rents, tithe rent-charge, or other superior interests payable out of the purchase-money to the Crown, the Land Commission, the Commissioners of Public Works or any Public Department, may be received and

Powers to pay certain superior interests in stock.

(201 a.)

paid in stock upon the like terms as payment in stock was received by the vendor, and it shall be lawful for the Land Judge, and the Judges of the Chancery Division, and for any trustees, in respect of any sums payable out of the purchase-money into Court or to such trustees, to accept payment in stock on the like terms as payment was received by the vendor.

BY THE LORD ATKINSON.

After clause 38 insert the following new clause—

Presumption
of release of
unpaid rent
in certain
cases.

39.—(1) Where any land sold under the Land Purchase Acts is subject to any rent reserved under a lease, and no payment on foot of such rent has been made for a period of forty years prior to such sale, such rent shall, for the purposes of such sale and the distribution of the purchase money, be deemed to have been released.

(2) Where portions of any such rent have become vested in different owners, this section shall apply to any portion of such rent as if it was a separate rent.

Clause 48, page 24, line 22, leave out from (“ may ”) to (“ sell ”) in line 24.

line 34, after (“ section ”) insert (“ sub-
ject, however, to restrictions as to the persons to whom, and the
“ order and circumstances in which advances may be made for the
“ purchase of parcels of land under the Land Purchase Acts
“ similar to those contained in section sixteen of this Act, so far
“ as the same may be applicable ”)

Clause 51, page 27, line 13, after (“ 1907 ”) insert (“ While the
“ said rota shall continue in force, and from thenceforth, together
“ with the Judge of the said Division, who shall be next in order
“ on a rota similar in character to the former, which the Judges
“ of the said Division are hereby authorised and empowered to
“ frame for the purposes of this Act ”)

of the estate on which such land is situated or to the negotiator for the purposes of the sale (if any) and the said agent or negotiator shall give the Land Commission such information as may be required by them after all questions in connection with the compulsory acquisition of the land shall have been finally determined.

BY THE LORD CLEMENTS (*E. Leirim*).

Clause 53, page 29, line 34, leave out ("and") and insert ("or")

BY THE EARL OF SHAFTESBURY.

Clause 56, leave out clause 56.

Irish Land Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE VISCOUNT HUTCHINSON

(*E. Donoughmore*),

THE LORD DUNBOYNE,

THE EARL OF MAYO,

THE LORD CLEMENTS (*E. Leirim*),

AND

THE EARL OF SHAFTESBURY.

21st October 1909.

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[Price 3d.]

(201 b.)

Irish Land Bill.

A M E N D M E N T S

TO BE MOVED ON THIRD READING.

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*),
THE LORD DUNBOYNE, AND
THE EARL OF MAYO.

Clause 4, page 3, line 14, leave out from (“ advances ”) to the end of subsection (1) and insert (“ Provided, however, that the “ priority of cases shall, as far as practicable, be regulated by the “ date at which the proceedings in each case were commenced in “ the Land Commission, the Land Judges Court, and in the offices of “ the Congested Districts Board respectively, and in case of dispute “ as to such date it shall be referred to the Judicial Commissioner, “ whose decision shall be final ”)

line 19, after (“ made ”) insert (“ if Parlia-
“ ment be then sitting, and if Parliament be not then sitting,
“ within three weeks after the beginning of the then next Session
“ of Parliament; and if an Address is presented to His Majesty by
“ either House of Parliament within the next subsequent one
“ hundred days on which the said House shall have sat, praying
“ that any such regulation may be annulled, His Majesty may
“ thereupon by Order in Council annul the same, and the regulation
“ so annulled shall thenceforth become void and of no effect, but
“ without prejudice to the validity of any proceedings which may
in the meantime have been taken under the same.

“ (3) This section shall apply only to cases arising under
“ sections one to seven inclusive of the Act of 1903.”)

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*).

After clause 52 insert the following new clause—

53. In the case of the acquisition of land compulsorily, such sum as the vendor may approve and the Land Commission may sanction shall be paid out of the purchase money to the land agent

(201 *b.*)

[OVER

“ regulation in place of the regulation or part so annulled, subject
“ nevertheless to be laid before Parliament, and to be annulled by
“ His Majesty in Council in manner above-mentioned, and so on
“ as often as the case requires.

“ (3) This section shall apply only to cases arising under
“ sections one to seven inclusive of the Act of 1903.”)

BY THE LORD KENMARE (*E. Kenmare*).

[*To be substituted for his Amendments previously circulated.*]

Clause 5, page 4, line 2, after subsection (4) insert the following new subsection—

(5) Any vendor may agree to advances being made in bills or bonds issued under this section as in the case of stock under section three on conditions prescribed by the Treasury.

Clause 13, page 7, line 37, leave out (“lodged with Land Commission”) and insert (“entered into”)

line 39, leave out the first (“or”) and insert (“and also agreements”)

page 8, line 2, leave out (“lodged with the Land Commission or”)

line 3, leave out from (“into”) to (“after”) in line 4.

After clause 54, at the beginning of Part V., insert the following new clause—

55. In the case of an estate where the majority of tenants have signed purchase agreements before the specified date, agreements may, with the consent of the Treasury, be accepted from the remaining tenants by the Estates Commissioners, and be deemed to be pending agreements as defined by this Act.

BY THE LORD DUNBOYNE.

Clause 12, page 7, line 16, leave out (“at the request of the Land Commission”)

Clause 53, page 28, line 39, after subsection (1) insert the following new subsection—

(2) Is land held under any contract of tenancy and not deemed under the provisions of this Act to be untenanted land; or,

page 29, lines 4 and 5, leave out (“in the occupation of an owner within the meaning of the aforesaid Land Purchase Acts, or which is”)

line 18, after (“unexpired”) insert (“and who pays therefor a full agricultural rent within the meaning of section one of the Redemption of Rent (Ireland) Act, 1891”)

BY THE EARL OF WICKLOW.

Clause 16, page 10, line 7, after (“tenant”) insert (“nor to any son of a tenant if he is such tenant’s only son”)

BY THE LORD BARRYMORE.

Clause 31, page 17, line 3, after subsection (4), insert the following new subsection—

(5) The provisions of section sixty-seven, subsection (3) of the Act of 1903, shall not apply to any land or holding subject to a purchase annuity unless the Land Commission deem it expedient, having regard to the situation, size, and character of such land or holding, to apply the provisions of the said subsection thereto.

BY THE LORD ASHBOURNE.

Clause 38, page 19, line 32, after (“shall”) insert (“if the immediate landlord so consents”)

BY THE LORD ATKINSON.

[*To be substituted for his Amendments previously circulated.*]

After clause 38 insert the following new clause—

Presumption
of release of
unpaid rent
in certain
cases.

39.—(1) Where any land sold under the Land Purchase Acts is subject to any rent reserved under a lease, and no payment on foot of such rent has been made for a period of forty years prior to such sale, such rent shall, for the purposes of such sale and the distribution of the purchase money, be deemed to have been released.

(2) Where portions of any such rent have become vested in different owners, this section shall apply to any portion of such rent as if it was a separate rent.

Clause 48, page 24, line 22, leave out from (“ may ”) to (“ sell ”) in line 24.

line 34, after (“ section ”) insert (“ sub-
“ ject, however, to restrictions as to the persons to whom the order
“ in, and the conditions and circumstances upon or under which,
“ advances may be made for the purchase of parcels of land under
“ the Land Purchase Acts similar to those contained in section
“ sixteen of this Act, so far as the same may be applicable ”)

Clause 51, page 27, line 13, after (“ 1907 ”) insert (“ While the
“ said rota shall continue in force, and from thenceforth, together
“ with the Judge of the said Division, who shall be next in order
“ on a rota similar in character to the former, which the Judges
“ of the said Division are hereby authorised and empowered to
“ frame for the purposes of this Act ”)

BY THE LORD MACDONNELL.

After clause 40 insert the following new clause—

41. From and after the appointed day the Congested Districts Board shall be increased by the addition of one member to be appointed by His Majesty. Such additional member shall be paid by the Board out of the funds at their disposal such annual salary as the Lord Lieutenant may fix, and he shall hold his office at pleasure.

Such additional member, being subject in all respects to the orders of the Board, shall control the Boards establishments and conduct its administration.

Clause 51, page 27, line 9, leave out (“ land judge ”) and insert (“ county court judge within whose jurisdiction the land or part thereof is situated ”)

After clause 56 insert the following new clause—

57. Notwithstanding anything contained in section one, subsection (2) of the Congested Districts Board (Ireland) Act of 1901, the Congested Districts Board shall not be required to state in the notice served upon any tenant that the new holding with which the Board undertakes to provide him, shall be situated in the same or an adjacent or neighbouring estate.

BY THE LORD CLONBROCK.

Clause 42, page 21, line 8, leave out (“ nineteen ”) and insert (“ thirty-nine ”)

BY THE LORD CLANWILLIAM (*E. Clanwilliam*).

Clause 46, page 23, line 39, leave out from the first (“ Board ”) to the end of the clause.

Clause 53, page 28, line 39, after subsection (1) insert the following new subsection—

(2) Is land held under any contract of tenancy, and not deemed under the provisions of this Act to be untenanted land ; or ”)

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*).

First Schedule, page 31, line 29, after (“ land ”) insert (“ the number of years’ purchase represented by the advance, shall be calculated—

“ (a) In the case of land that has been let for periods of
“ less than one year, or that has been let for purposes

- “ of agistment for any period, at the rent or annual sum
“ that has been paid for same on an average of the
“ preceding five years ;
- “ (b) In the case of land that has not been so let, the rent
“ thereof (for the purpose of estimating the number of
“ years purchase) shall be taken to be (at the option of
“ the vendor) either—
- “ (1) the average net annual profit for the preceding
“ five years, as shown by the vendor’s accounts ; or
“ (2) the fair annual value thereof, to be ascertained
“ by arbitration, as nearly as may be, in the manner
“ provided by section twenty-five of the schedule of
“ the Landlord and Tenant (Ireland) Act, 1870.”)
-

BY THE LORD ORANMORE AND BROWNE.

First Schedule, page 31, line 32, at end insert (“ in accordance
“ with the value of the land to the vendor ”)

Irish Land Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING.

22nd October 1909.

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[*Price 1d.*]

(201 c.)

Irish Land Bill.

A M E N D M E N T S

TO BE MOVED ON THIRD READING

BY

THE LORD MACDONNELL.

Clause 50, page 25, line 23, leave out from (" may ") to (" submit ") in line 32.

page 26, line 2, leave out from (" prescribed ") to the end of the clause.

Clause 51, page 26, lines 7 and 8, leave out (" the said scheme " and ")

lines 10 and 11, leave out (" for the " purposes therein set forth ")

line 32, leave out from (" determine ") to the end of the subsection and insert (" what offer they should make " for the land ")

Irish Land Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE LORD MACDONNELL.

25th October 1909.

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(201 d.)

Irish Land Bill.

A M E N D M E N T S

TO BE MOVED ON THIRD READING.

*[The Amendments marked with a * are now printed
for the first time.]*

Clause 4.

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*),
THE LORD DUNBOYNE, AND
THE EARL OF MAYO.

Page 3, line 14, leave out from (“advances”) to the end of subsection (1) and insert (“Provided, however, that the priority of cases shall, as far as practicable, be regulated by the date at which the proceedings in each case were commenced in the Land Commission, the Land Judge’s Court, and in the offices of the Congested Districts Board respectively, and in case of dispute as to such date it shall be referred to the Judicial Commissioner, whose decision shall be final”)

line 19, after (“made”) insert (“if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next Session of Parliament; and if an Address is presented to His Majesty by either House of Parliament within the next subsequent one hundred days on which the said House shall have sat, praying that any such regulation may be annulled, His Majesty may thereupon by Order in Council annul the same, and the regulation so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(201 **.)

A

Clause 4—continued.

“ Provided that where any regulation or any part thereof is so annulled, the Lord Lieutenant may, under said subsection (8) of section twenty-three of the Act of 1903, make another regulation in place of the regulation or part so annulled, subject nevertheless to be laid before Parliament, and to be annulled by His Majesty in Council in manner above-mentioned, and so on as often as the case requires.

“ (3) This section shall apply only to cases arising under sections one to seven inclusive of the Act of 1903.”)

Clause 5.

BY THE LORD KENMARE (*E. Kenmare*).

Page 4, line 2, after subsection (4) insert the following new subsection—

(5) Any vendor may agree to advances being made in bills or bonds issued under this section as in the case of stock under section three on conditions prescribed by the Treasury.

After Clause 5.

BY THE LORD BRODRICK (*V. Middleton*).

Insert the following new clause—

4. Where a vendor, under future purchase agreements receives payment in stock instead of in cash, all charges, duties, incumbrances, and redemption prices of quit-rents, tithe rent-charge, or other superior interests payable out of the purchase-money to the Crown, the Land Commission, the Commissioners of Public Works or any Public Department, may be received and paid in stock upon the like terms as payment in stock was received by the vendor, and it shall be lawful for the Land Judge, and the Judges of the Chancery Division, and for any trustees, in respect of any sums payable out of the purchase-money into Court or to such trustees, to accept payment in stock on the like terms as payment was received by the vendor.

Powers to pay certain superior interests in stock.

(3)

Clause 12.

BY THE LORD DUNBOYNE.

Page 7, line 16, leave out ("at the request of the Land
" Commission ")

Clause 13.BY THE LORD KENMARE (*E. Kenmare*).

Page 7, line 37, leave out ("lodged with Land Commission")
and insert ("entered into")

line 39, leave out the first ("or") and insert ("and
" also agreements ")

Page 8, line 2, leave out ("lodged with the Land Commission
" or ")

line 3, leave out from ("into") to ("after") in line 4.

Clause 16.

BY THE EARL OF WICKLOW.

Page 10, line 7, after ("tenant") insert ("nor to any son of
" a tenant if he is such tenant's only son ")

Clause 31.

BY THE LORD BARRYMORE.

Page 17, line 3, after subsection (4), insert the following new
subsection—

(5) The provisions of section sixty-seven, subsection (3) of the
Act of 1903, shall not apply to any land or holding subject to a
purchase annuity unless the Land Commission deem it expedient,
having regard to the situation, size, and character of such land or
holding, to apply the provisions of the said subsection thereto.

Clause 38.

BY THE LORD ASHBOURNE.

Page 19, line 32, after (" shall ") insert (" if the immediate
" landlord so consents ")

After Clause 38.

BY THE LORD ATKINSON.

Insert the following new clause—

Presumption
of release of
unpaid rent
in certain
cases.

39.—(1) Where any land sold under the Land Purchase Acts is subject to any rent reserved under a lease, and no payment on foot of such rent has been made for a period of forty years prior to such sale, such rent shall, for the purposes of such sale and the distribution of the purchase money, be deemed to have been released.

(2) Where portions of any such rent have become vested in different owners, this section shall apply to any portion of such rent as if it was a separate rent.

After Clause 40.

BY THE LORD MACDONNELL.

* Insert the following new clause —

41. From and after the appointed day the Congested Districts Board shall consist of twelve members of whom an appointed member, to be nominated by the Lord Lieutenant, shall be paid by the Board out of the funds at their disposal, such annual salary as the Lord Lieutenant may fix. Such paid member shall hold his office at pleasure and shall control and conduct the Boards establishments and administration, subject in all respects to the orders of the Board.

When a vacancy shall occur among the appointed members of the Board, the number of appointed members shall be reduced to seven, and an Estates Commissioner to be taken in rotation by rule to be made under section forty-two of this Act, shall be appointed as an ex officio member of the Board.

(5)

After Clause 40—continued.

All appointed members of the Board, other than the paid member, shall hold office for four years and shall be eligible for re-appointment.

Clause 42.

BY THE LORD CLONBROCK.

Page 21, line 8, leave out ("nineteen") and insert ("thirty-nine")

Clause 46.BY THE LORD CLANWILLIAM (*E. Clanwilliam*).

Page 23, line 39, leave out from the first ("Board") to the end of the clause.

Clause 48.

BY THE LORD ATKINSON.

Page 24, line 22, leave out from ("may") to ("sell") in line 24.

line 34, after ("section") insert ("subject, however, to restrictions as to the persons to whom the order in, and the conditions and circumstances upon or under which, advances may be made for the purchase of parcels of land under the Land Purchase Acts similar to those contained in section sixteen of this Act, so far as the same may be applicable")

Clause 50.

BY THE LORD DUNBOYNE.

* Page 25, line 34, leave out ("so")

Clause 51.

BY THE LORD MACDONNELL.

Page 27, line 9, leave out ("land judge") and insert ("county court judge within whose jurisdiction the land or part thereof is situated")

BY THE LORD ATKINSON.

Page 27, line 13, after ("1907") insert ("While the said rota shall continue in force, and from thenceforth, together with the Judge of the said Division, who shall be next in order on a rota similar in character to the former, which the Judges of the said Division are hereby authorised and empowered to frame for the purposes of this Act")

After Clause 52.

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*).

Insert the following new clause—

53. In the case of the acquisition of land compulsorily, such sum as the vendor may approve and the Land Commission may sanction shall be paid out of the purchase money to the land agent of the estate on which such land is situated or to the negotiator for the purposes of the sale (if any) and the said agent or negotiator shall give the Land Commission such information as may be required by them after all questions in connection with the compulsory acquisition of the land shall have been finally determined.

Clause 53.

BY THE LORD DUNBOYNE.

* Page 28, line 35, leave out ("the preceding sections") and insert ("this Part of this Act")

(7)

Clause 53—*continued.*

BY THE LORD DUNBOYNE AND
THE LORD CLANWILLIAM (*E. Clanwilliam*).

Page 28, line 39, after subsection (1) insert the following new subsection—

(2) Is land held under any contract of tenancy, and not deemed under the provisions of this Act to be untenanted land ; or”)

BY THE LORD DUNBOYNE.

Page 29, lines 4 and 5, leave out (“in the occupation of an owner within the meaning of the aforesaid Land Purchase Acts, or which is”)

line 18, after (“unexpired”) insert (“and who pays therefor a full agricultural rent within the meaning of section one of the Redemption of Rent (Ireland) Act, 1891”)

[*The Lord Clanwilliam (E. Clanwilliam) proposes to amend this amendment as follows—*

* after (“1891”) insert (“*Provided that if the annual rateable value of said farm shall exceed two hundred pounds the compulsory provisions of this Part of this Act, shall apply only to such a proportion of the farm as may be found to represent a rateable valuation in excess of two hundred pounds, and the Estates Commissioners may divide the farm and apportion the valuation, subject, however, to the provisions of this part of this Act respecting the hearing of objections and the fixing of prices*”)]

BY THE LORD CLEMENTS (*E. Leitrim*).

Page 29, line 34, leave out (“and”) and insert (“or”)

After Clause 54.

BY THE LORD KENMARE (*E. Kenmare*).

At the beginning of Part V. insert the following new clause—

55. In the case of an estate where the majority of tenants have signed purchase agreements before the specified date,

After Clause 54—continued.

agreements may, with the consent of the Treasury, be accepted from the remaining tenants by the Estates Commissioners, and be deemed to be pending agreements as defined by this Act.

Clause 56.

BY THE LORD DUNBOYNE.

* Page 30, line 23, leave out (“ fifty, clause four ”) and insert (“ fifty-three, paragraph four ”)

BY THE EARL OF SHAFTESBURY.

Leave out clause 56.

After Clause 56.

BY THE LORD MACDONNELL.

Insert the following new clause—

57. Notwithstanding anything contained in section one, subsection (2) of the Congested Districts Board (Ireland) Act of 1901, the Congested Districts Board shall not be required to state in the notice served upon any tenant that the new holding with which the Board undertakes to provide him, shall be situated in the same or an adjacent or neighbouring estate.

Clause 57.

BY THE LORD DUNBOYNE.

* Page 30, leave out lines 35 and 36.

In the Schedules.

First Schedule.

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*).

Page 31, line 29, after ("land") insert ("the number of years' purchase represented by the advance, shall be calculated—

- " (a) In the case of land that has been let for periods of
 " less than one year, or that has been let for purposes
 " of agistment for any period, at the rent or annual sum
 " that has been paid for same on an average of the
 " preceding five years ;
- " (b) In the case of land that has not been so let, the rent
 " thereof (for the purpose of estimating the number of
 " years purchase) shall be taken to be (at the option of
 " the vendor) either—
- " (1) the average net annual profit for the preceding
 " five years, as shown by the vendor's accounts ; or
- " (2) the fair annual value thereof, to be ascertained
 " by arbitration, as nearly as may be, in the manner
 " provided by section twenty-five of the schedule of
 " the Landlord and Tenant (Ireland) Act, 1870."

BY THE LORD ORANMORE AND BROWNE.

Page 31, line 32, at the end of the line insert ("in accordance with the value of the land to the vendor")

BY THE LORD PRIVY SEAL (*E. Crewe*).

* Page 31, line 32, at the end of the line insert ("regard being had in the case of untenanted land to the fair annual value of the land to the owner")

Second Schedule.

BY THE LORD DUNBOYNE.

* Page 32, leave out lines 9, 10, and 11.

* leave out lines 23 and 24.

Irish Land Bill.

MARSHALLED LIST OF
AMENDMENTS TO
MOVED ON THIRD READING.

23rd October 1909.

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(201 ***.)

Irish Land Bill.

[AS AMENDED ON THIRD READING.]

ARRANGEMENT OF CLAUSES.

PART I.

LAND PURCHASE FINANCE.

Clause.

1. Alteration of amount of purchase annuity and of rate of interest payable to National Debt Commissioners.
2. Power to raise new guaranteed three per cent. stock, and provision as to investment by savings bank depositors in stock.
3. Power to make advances by guaranteed stock under certain circumstances.
4. Regulations as to priority.
5. Temporary borrowing by bills or bonds.
6. Amendment of provisions as to percentage.
7. Provision as to making good deficiency in respect of stock issued at a discount.
8. Bonus dividend to be treated as expenses of issue of stock.
9. Advance dividend.
10. Remission of stamp duty.
11. Repayment of advances under Labourers (Ireland) Act, 1906.
12. Substituted agreements.
13. Interpretation.
14. Power to make rules.

PART II.

LAND PURCHASE.

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16. Advances for purchase of parcels of land.
17. Trustees for the purposes of turbary, pasture, &c.
18. Facilities for the planting and preservation of woods.
19. Congested estates.
20. Powers for facilitating re-sales.
21. Power of Land Commission to determine disputes between tenants of holdings.

Clause.

22. Power to exchange tenancies.
23. Amendment of 59 & 60 Vict. c. 47. s. 35.
24. Certain powers and duties of Land Commission to be exercised by Estates Commissioners.
25. Investment of purchase-money on sales to Land Commission.
26. Restriction on amount expended by Land Commission on purchase of congested estates.
27. Provision of money for expenditure on improvements by Land Commission, and closing of reserve fund.
28. Provision as to money spent by Land Commission on improvements of estates purchased by them.
29. Expenses of improvements by Land Commission on land sold by landlord to tenant.
30. Amendment of 3 Edw. 7. c. 37. s. 48 (4).
31. Amendment of 3 Edw. 7. c. 37. s. 54.
32. 3 Edw. 7. c. 37. subsection (3) of section 67 not to apply.
33. Recovery of interest.
34. Extension of 3 Edw. 7. c. 37. s. 69 (2).
35. Payments out of interest on purchase money before vesting.
36. Amendment of 7 Edw. 7. c. 38.
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38. Examiners of title.
39. Provision as to immediate landlords not having power to sell.
40. Presumption of release of unpaid rent in certain cases.

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43. Transfer of certain powers and duties of the Board to the Department of Agriculture.
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45. Provisions consequential on transfer of powers and duties.
46. Orders in Council.
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Clause.

49. Inclusion or exclusion of electoral districts by Lord Lieutenant as congested under provisions of 54 & 55 Vict. c. 48.
50. Sales of parcels of land by Congested Districts Board.
51. Application of s. 18 of 3 Edw. 7. c. 37 to land acquired by Land Commission on requisition of Congested Districts Board.

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COMPULSORY PURCHASE.

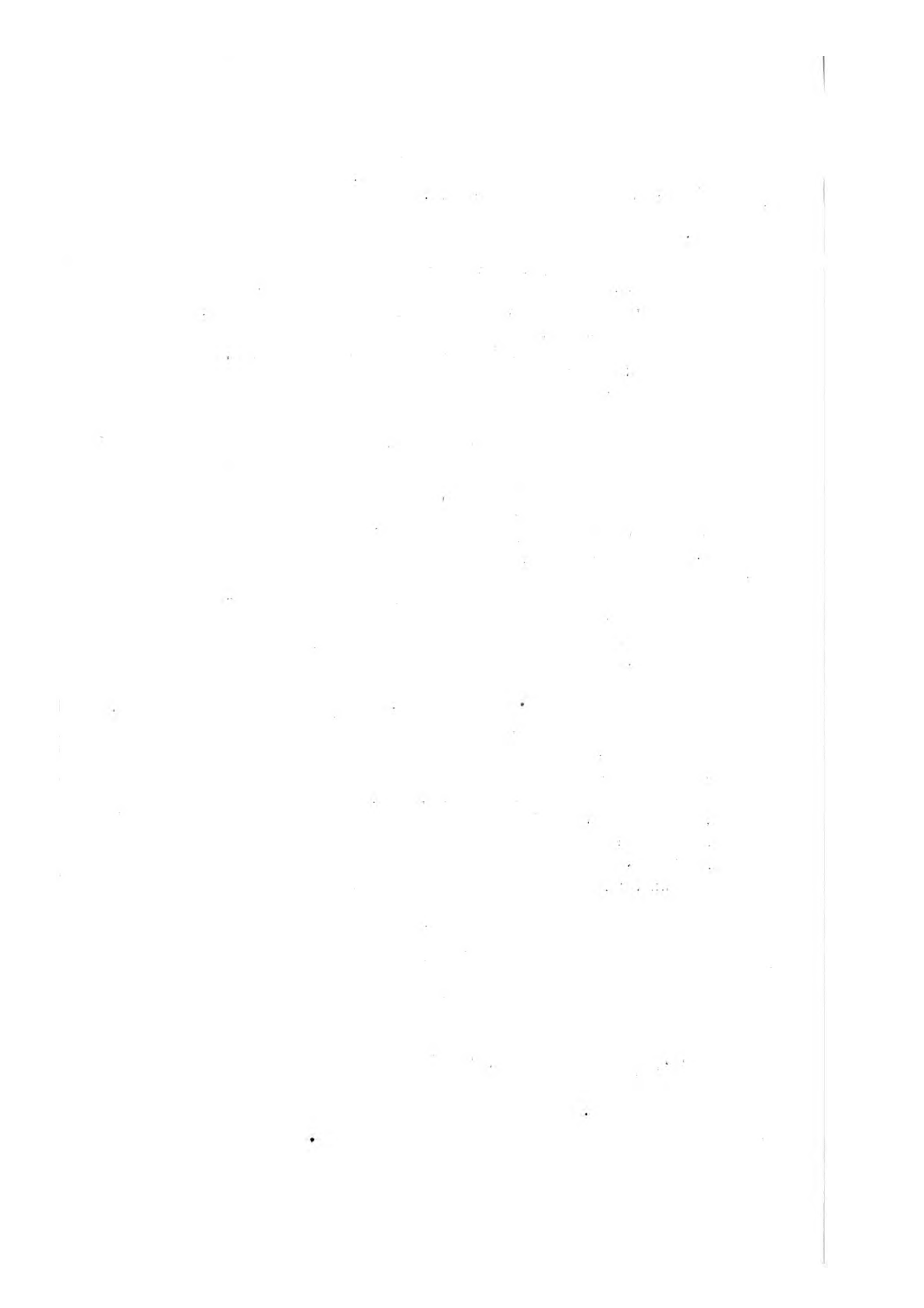
52. Scheme for compulsory purchase to be submitted to Land Commission by Congested Districts Board.
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55. Payment to land agent, &c., on acquisition of land compulsorily.
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59. Untenanted land.
60. Amendment of 1 Edw. 7. c. 34. s. 1 (2).
61. Construction.
62. Short title.
63. Repeals.

SCHEDULES.



A

B I L L

[AS AMENDED ON THIRD READING]

INTITULED

An Act to amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto. A.D. 1909.

BE it enacted by the King'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:—

5

PART I.

LAND PURCHASE FINANCE.

10 1.—(1) In the case of advances made in pursuance of future purchase agreements, three pounds ten shillings shall be substituted for three pounds five shillings as the rate of the purchase annuity under section forty-five of the Irish Land Act, 1903 (in this Act referred to as the Act of 1903).

Alteration of amount of purchase annuity and of rate of interest payable to National Debt Commissioners. 3 Edw. 7. c. 37.

15 (2) So far as respects advances made for future purchase agreements, the rate of interest to be paid by the Land Commission to the National Debt Commissioners under section thirty-six, and by the Congested Districts Board to the Land Commission under section seventy-two of the Act of 1903, shall be three per cent. per annum, instead of two-and-three-quarters per cent. per annum.

20 (3) The National Debt Commissioners shall, in the accounts kept by them of the Irish Land Purchase Fund, distinguish between advances made in pursuance of pending purchase agreements and advances made in pursuance of future purchase agreements.

25 2.—(1) The power of the Treasury to create stock for the purpose of raising money required for the Irish Land Purchase Fund (including the Land Purchase Aid Fund) shall include (205.)

Power to raise new guaranteed three per cent. stock,

A.D. 1909.
and pro-
vision as to
investment
by savings
bank de-
positors in
stock.

power to create a new capital stock to be called guaranteed three per cent. stock, and the Treasury may at any time create for that purpose either guaranteed two-and-three-quarters per cent. stock or guaranteed three per cent. stock as they think fit.

(2) The provisions of the Act of 1903, relating to stock 5 shall apply to guaranteed three per cent. stock created under this section as they apply to the guaranteed two-and-three-quarters per cent. stock created under that Act, with the substitution of three per cent. for two-and-three-quarters per cent. as the rate of dividend, and of thirty years from the passing of this Act for 10 thirty years from the commencement of the Act of 1903, as the period after the expiration of which the stock is redeemable.

56 & 57 Vict.
c. 69.

(3) The definition of Government stock in subsection (2) of section five of the Savings Bank Act, 1893, shall be read as if stock issued under the Act of 1903 or this Act were included 15 in the First Schedule to the said Savings Bank Act, 1893.

Power to
make ad-
vances by
guaranteed
stock under
certain cir-
cumstances.

3.—(1) Notwithstanding anything in section twenty-seven of the Act of 1903, advances for the purposes of the Land Purchase Acts may, subject to the provisions of this section, be made in whole or in part by means of stock in the manner and under 20 the circumstances for which provision is made by this section.

(2) For the purpose of carrying into effect pending purchase agreements advances may, if the vendor agrees, be made by means of the issue to the prescribed persons, in the prescribed manner, and subject to the prescribed conditions, of such an 25 amount of guaranteed two-and-three-quarters per cent. stock, as, at the market price of the day of issue (as certified in the prescribed manner) is equivalent to the sum to be advanced if that price is not below ninety-two pounds (ex-dividend) for an amount of stock of the nominal value of a hundred pounds, or 30 if the stock is below that price by the issue of such an amount of stock as would be equivalent to the sum to be advanced if the stock were at that price.

(3) For the purpose of carrying into effect future purchase agreements advances may, if the Treasury think fit so to direct, 35 be made by means of the issue of an amount of guaranteed three per cent. stock equal in nominal amount to the sum to be advanced and carrying dividends as from the date of the advance.

(4) Stock issued in pursuance of this section as the equivalent of an advance shall, as between the vendor and the purchaser, be 40 accepted by the vendor as the equivalent of the corresponding amount of purchase money, and a vendor, although he is not an

[9 Edw. 7.]

Irish Land.

3

absolute owner, may agree to advances being made by stock under this section for the purpose of carrying out any pending purchase agreements, and any person having power to sell under the Land Purchase Acts, although he is not an absolute owner, 5 may enter into any future purchase agreement, notwithstanding that the purchase money may be payable in stock in pursuance of this section instead of in cash.

A.D. 1909.

4.—(1) Regulations may be made by the Lord Lieutenant under subsection (8) of section twenty-three of the Act of 1903 10 for determining the priority in which advances, whether by means of money or of stock, or partly by means of money and partly by means of stock, may be sanctioned, and for allocating as between different classes of sales the total amounts from time to time available for advances: Provided, however, that, subject to such 15 regulations relating to the priority of different classes, the priority of cases shall, as far as is reasonably practicable, be regulated by the date at which the proceedings in each case were commenced in the Land Commission, the Land Judge's Court, and in the offices of the Congested Districts Board respectively, and in case 20 of dispute as to such date it shall be referred to the Judicial Commissioner, whose decision shall be final.

Regulations
as to
priority.

(2) Every regulation made under that subsection shall be laid before both Houses of Parliament as soon as may be after it is made if Parliament be then sitting, and if Parliament be 25 not then sitting, within three weeks after the beginning of the then next Session of Parliament; and if an Address is presented to His Majesty by either House of Parliament within the next subsequent one hundred days on which the said House shall have sat, praying that any such regulation may be annulled, His 30 Majesty may thereupon by Order in Council annul the same, and the regulation so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same:

35 Provided that where any regulation or any part thereof is so annulled, the Lord Lieutenant may, under said subsection (8) of section twenty-three of the Act of 1903, make another regulation in place of the regulation or part so annulled, subject nevertheless to be laid before Parliament, and to be annulled by 40 His Majesty in Council in manner above-mentioned, and so on as often as the case requires.

A.D. 1909. (3) This section shall apply only to cases arising under sections one to seven inclusive of the Act of 1903.

Temporary borrowing by bills or bonds.

5.—(1) Any money which may be raised by the creation of stock under the Act of 1903 or this Act may be temporarily raised by the issue of bills or bonds in such form and for such period not exceeding seven years, and bearing such rate of interest not exceeding three per cent. as the Treasury may determine. 5

(2) The interest on or in respect of any such bills or bonds shall be charged and paid in the same manner as the dividends on stock under section twenty-nine of the Act of 1903, and the provisions of that Act respecting the income account of the Irish Land Purchase Fund shall apply as if the interest on or in respect of the bills or bonds were dividends on stock. 10

(3) The principal money of any such bills or bonds shall, subject to the provisions of this Act, be repaid out of the Irish Land Purchase Fund, and, if the Capital Account of that Fund is insufficient, shall be charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof. 15

Stock or fresh bills or bonds may be issued for the purpose of raising the principal money required when necessary. 20

(4) Subsections (6) and (7) of section thirty-six of the Act of 1903 (which relate to the deficiency arising from the issue of stock at a discount and the surplus arising from the issue of stock at a premium), shall apply in the case of the issue of bills or bonds under this section as they apply in the case of the issue of stock. 25

Amendment of provisions as to percentage.

6.—(1) The percentage payable under section forty-eight of the Act of 1903 shall be calculated at the rates specified in the First Schedule to this Act, and for the purposes of that section the percentage at the rates so specified shall be deemed to be the percentage under that section: 30

Provided that the percentage payable on the purchase money of an estate, which consists of or includes lands in respect of which there are purchase agreements entered into or deemed in pursuance of this section to have been entered into on or before the twenty-fourth day of November nineteen hundred and eight shall (so far as the percentage is payable in respect of the purchase of those lands) be calculated at the rate of twelve per cent. instead of being calculated under this section. 35

(2) An agreement for the purchase of any estate or land, though not entered into on or before the twenty-fourth day of 40

November nineteen hundred and eight, shall be deemed, for the purposes of this section, to be a purchase agreement entered into on or before that date, where on or before that date—

A.D. 1909.

- 5 (a) the vendor has lodged an originating request in manner provided by rules made under the Act of 1903 with a view to the purchase of the estate or land by the Land Commission under section six of that Act or by the Congested Districts Board under section seventy-nine of that Act; or
- 10 (b) the vendor has accepted a preliminary estimate of price made by the Land Commission with a view to the purchase of the estate or land under sections six or eight of the Act of 1903, or entered into a preliminary agreement with the Congested Districts Board with a view to the purchase of the estate or land under
- 15 section seventy-nine of that Act; or
- (c) the Land Judge in the course of proceedings in which the estate or land is eventually sold to the Land Commission under section seven, or to the Congested Districts Board under section seventy-seven of the
- 20 Act of 1903, has caused the Commission or Board to be furnished with particulars and documents respecting the estate or land in pursuance of either of these sections; or
- 25 (d) the Estates Commissioners have made an offer for the purchase of the estate or land under subsection (4) of section two of the Evicted Tenants (Ireland) Act, 1907.

(3) So much of section forty-seven of the Act of 1903 as limits the total of the sums payable to the Land Purchase Aid Fund to twelve million pounds shall cease to have effect.

7.—(1) The charge on the Guarantee Fund for any deficiency in respect of the issue of stock or bills or bonds at a discount shall extend only to the amount of the Ireland Development Grant which forms part of the cash portion of that fund; and the deficiency, so far as is not made good out of that amount, shall be made good out of moneys provided by Parliament.

Provision as to making good deficiency in respect of stock issued at a discount.

(2) Any deficiency in respect of interest or sinking funds arising by reason of money being raised by means of three per cent. stock for the purpose of advances in respect of which interest

40 (205.)

A.D. 1909. is payable by the Land Commission to the National Debt Commissioners at the rate of two-and-three-quarters per cent. only shall be made good in the same manner as a deficiency arising in respect of the issue of stock at a discount is to be made good under subsection (6) of section thirty-six of the Act of 1903, as amended by this section. 5

Bonus dividend to be treated as expenses of issue of stock. **8.**—(1) Where stock is created for the purposes of the Land Purchase Acts, and issued under conditions which provide that the money to be raised thereby shall be paid up by instalments, dividends may be paid on the total nominal amount of the stock from any date fixed at the time of issue, although the instalments, or some or one of them, may not have been payable until after that date; and if the amount so paid by way of dividend exceeds the sum which would have been payable on the portion of the stock representing the money actually paid up, the difference shall be treated as part of the expenses of the issue of the stock. 10 15

(2) This section shall apply to any stock created and issued since the first day of July nineteen hundred and eight, as well as to stock issued after the passing of this Act. 20

Advance dividend. **9.**—(1) Any person to whom an advance is made after the passing of this Act shall pay on the first gale day on which any payment in respect of the advance is due (in addition to the interest, or instalment of purchase annuity, due on that day), interest on the advance in respect of the period between the said gale day and the day on which the next dividends are payable in respect of the stock issued under the Act of 1903 or this Act. 25

(2) The interest payable shall be at the rate at which the Land Commission pay interest to the National Debt Commissioners in respect of the advance, and shall be recoverable as if it were part of the purchase annuity. 30

Remission of stamp duty. 6 Edw. 7. c. 37. **10.**—(1) The exemption from stamp duty given by section twenty-three of the Labourers (Ireland) Act, 1906, shall extend to any stamp duty payable on any mortgage or other security given by a rural district council in respect of an advance by the Irish Land Commission under section sixteen of that Act, or payable under section eight of the Finance Act, 1899, in respect of such an advance as being loan capital within the meaning of that section. 35

(2) The Commissioners of Inland Revenue may remit any such duty which has become payable since the commencement 40

[9 Edw. 7.]

Irish Land.

7

of the Labourers (Ireland) Act, 1906, and return any such duty which has been paid since that date and before the passing of this Act. A.D. 1909.

(3) The exemption from stamp duty under section fifty of the Act of 1903 shall extend to any instruments the stamp duty on which is payable as expenses of the Land Commission in the same manner as it applies to the instruments mentioned in that section.

11.—(1) Advances made under section sixteen of the Labourers (Ireland) Act, 1906 (which are by virtue of that section repayable in like manner as advances under the Land Purchase Acts), shall whether made before or after the passing of this Act be repayable in like manner as advances made in pursuance of pending purchase agreements, and as respects all such advances the rate of interest paid by the Land Commission to the National Debt Commissioners shall be two-and-three-quarters per cent. per annum. Repayment of advances under Labourers (Ireland) Act, 1906. 6 Edw. 7. c. 37.

(2) The payment charged on the Ireland Development Grant under section seventeen of the Labourers (Ireland) Act, 1906, shall, so far as that grant is insufficient to meet the payment, be defrayed out of moneys provided by Parliament instead of being charged upon that grant. Provided that the total amount of the payment to be charged on the said grant, or to be defrayed out of moneys provided by Parliament, shall not exceed twenty-eight thousand pounds in any year.

12.—(1) Where by reason of the death of the purchaser or the transmission of the purchaser's interest in a holding, or in pursuance of a declaration of the Land Commission under section fifteen of the Act of 1903 with respect to a sub-tenancy or a subdivided holding, or in consequence of any direction of the Land Commission or of the Estates Commissioners, a fresh purchase agreement is entered into in substitution for an original purchase agreement previously made, any such fresh agreement shall, for the purposes of this Part of this Act, be deemed to be substituted for the original agreement, and, whenever lodged with the Land Commission, to have been lodged with the Land Commission at the date on which the original agreement was so lodged. Substituted agreements.

(2) Where a vendor at the request of the Land Commission enters into an agreement with the Land Commission or the Congested Districts Board for the sale to them of an estate consisting of or including lands, which he has proposed to sell

A.D. 1909. — to persons other than that Commission or Board and in respect of which purchase agreements have been lodged with the Land Commission on or before the twenty-fourth day of November nineteen hundred and eight, the percentage payable on the purchase money of the estate, or on that portion thereof which represents the purchase money of those lands (in the case of an estate comprising other lands) shall so far as the purchase money or the portion of the purchase money is not in excess of the aggregate of the purchase money fixed by the original agreements be calculated in the like manner and the purchase annuities payable on the re-sale of those lands shall be payable at the like rate as if the agreement for the sale of the estate had been entered into on or before the twenty-fourth day of November nineteen hundred and eight.

Interpreta-
tion.

13. In this Part of this Act, unless the context otherwise requires,—

(a) The expression “pending purchase agreements” means agreements lodged with the Land Commission on or before the fifteenth day of September nineteen hundred and nine, or entered into on or before that date by or with the Land Commission or the Land Judge or the Congested Districts Board;

(b) The expression “future purchase agreements” means agreements lodged with the Land Commission or entered into by or with the Land Commission or the Land Judge or the Congested Districts Board after that date:

Provided that purchase agreements entered into at any time on the re-sale by the Land Commission or Congested Districts Board—

(i) of land purchased or agreed to be purchased by them on or before the fifteenth day of September nineteen hundred and nine; or

(ii) of land being land in respect of which or comprised in an estate in respect of which a purchase agreement, though not actually entered into on or before the twenty-fourth day of November nineteen hundred and eight, is deemed for the purposes of the provisions of this Part of this Act relating to the percentage payable under the

[9 Edw. 7.]

Irish Land.

9

Act of 1903, to have been entered into on or A.D 1909.
before that date ;

shall be treated for the purposes of this Part of this
Act as pending purchase agreements and not as
future purchase agreements ;

5

(c) An order of the Land Judge under section seven or
section seventy-seven of the Act of 1903 vesting any
land in the Land Commission or the Congested
Districts Board, and an order of the Estates Commis-
sioners vesting land in the Land Commission under
section two of the Evicted Tenants (Ireland) Act, ^{7 Edw. 7.}
1907, shall for the purposes of this Part of this Act ^{c. 56.}
be treated as an agreement entered into by that
Commission or Board as the case may be ;

10

15 (d) The expression "prescribed" means prescribed by the
Treasury.

14. The power of making rules conferred on the Treasury ^{Power to}
by the Land Purchase Acts shall extend to the making of rules ^{make rules.}
for carrying the provisions of this Part of this Act into effect, and
for adapting to the requirements of this Act such provisions of
the Land Purchase Acts or any other enactment passed prior to
this Act as relate to land purchase finance.

20

PART II.

LAND PURCHASE.

25 **15.**—(1) No advance exceeding the sum of three thousand ^{Limitation}
pounds shall be sanctioned under the Land Purchase Acts to any ^{on amount of}
tenant in pursuance of an agreement for the purchase of a holding ^{advances to}
entered into after the passing of this Act unless— ^{tenant pur-}
^{chasers.}

30 (a) the tenant resides on the holding, or such holding is
ordinarily used with the holding on which the tenant
resides ; or

(b) the Land Commission consider that an advance of a
larger amount not exceeding five thousand pounds may
properly be sanctioned.

35 (2) A person shall be deemed to reside on a holding within
the meaning of this section if he occupies a house or resides
in the immediate neighbourhood for the purpose of working or
managing the holding.

A.D. 1909. (3) Section two of the Purchase of Land (Ireland) Amendment
 51 & 52 Vict. Act, 1888, and subsection (4) of section one of the Act of 1903, shall
 c. 49. cease to have effect save as regards advances in pursuance of
 purchase agreements entered into before the passing of this Act.

Advances for
 purchase of
 parcels of
 land.

16.—(1) In the case of the sale of an estate to the Land Com- 5
 mission advances under the Land Purchase Acts may be made
 for the purchase of parcels thereof by the following persons:—

- (a) A person being the tenant or proprietor of a holding
 not exceeding ten pounds in rateable value;
- (b) A person who has surrendered his holding for the pur- 10
 pose of relieving congestion;
- (c) A person who within twenty-five years before the passing
 of the Act of 1903, was the tenant of a holding to
 which the Land Law Acts apply, and had been evicted
 for non-payment of rent and had made application for 15
 reinstatement before the first day of May nineteen
 hundred and seven, and who is not at the date of
 the purchase the tenant or proprietor of that holding,
 or in case such person is dead, a person nominated by
 the Land Commission as his personal representative; 20
 and
- (d) Any person to whom in the opinion of the Land Com-
 mission after adequate provision has been made to
 satisfy the requirements of the persons mentioned in
 the preceding paragraphs of this subsection an advance 25
 ought to be made: Provided that no advance shall
 be made to the son of a tenant or proprietor of a
 holding of an annual rateable value of more than
 thirty pounds, nor shall any advance be made to
 more than one son of the same tenant, nor to any 30
 son of a tenant, if he is such tenant's only son.

(2) Advances under this section shall not, together with the
 amount (if any) of any advance under the Land Purchase Acts,
 which has been made and is then unrepaid by the purchaser, or
 for which an application by the purchaser is pending, exceed 35
 one thousand pounds: Provided that the limitation in this
 subsection may, subject to the other limitations in the Land
 Purchase Acts, be exceeded, where the Land Commission consider
 that a larger advance may be sanctioned, to any purchaser without
 prejudice to the wants and circumstances of other persons residing 40
 in the neighbourhood.

(3) The Land Purchase Acts shall, subject to the provisions of this section, apply to the sale of a parcel of land in pursuance of this section in like manner as if the same was a holding and the purchaser was the tenant thereof at the time of his making
5 the purchase; and the expression "holding" in those Acts shall include a parcel of land in respect of the purchase of which an advance has been made in pursuance of this section.

A.D. 1909.

(4) Section two of the Act of 1903 shall cease to have effect save as regards the sale of any parcels of land in respect of which
10 purchase agreements have been entered into before the passing of this Act, and save as aforesaid any reference in any enactment to that section shall be construed as a reference to this section.

17.—(1) It shall be lawful for the Department of Agriculture and Technical Instruction for Ireland, or the council of any county
15 or of any rural district, to purchase any parcel of an estate under section four of the Act of 1903 for any of the purposes mentioned in that section, and the said Department or any such council, or any other body corporate having power to acquire land, may act as trustees for those purposes, and may obtain advances for the
20 purchase.

Trustees for the purposes of turbary, pasture, &c.

(2) Where any land is purchased by the said Department or a county council or rural district council under this section, the scheme for the user of the land mentioned in section twenty of the Act of 1903 shall be framed or approved of by the Department and
25 the requirements of that section with regard to the framing or approval of the scheme by the Lord Lieutenant shall not apply.

(3) Where land is purchased by a county council or rural district council under this section, the amounts required for payment of the instalments of the purchase annuity shall be raised in
30 the case of the county council as a county at large charge, and in the case of the rural district council as a district charge.

(4) It is hereby declared that the provisions of section four and of section twenty of the Act of 1903, as amended by this section, apply as well in the case of the sale of an estate to the
35 Congested Districts Board as in the case of the sale of an estate to persons other than the Congested Districts Board.

18.—(1) Where a parcel of an estate is purchased or proposed to be purchased by trustees under section four of the Act of 1903 for the purpose of the planting of trees or the preservation of
40 woods or plantations, and the parcel is subject to any grazing

Facilities for the planting and preservation of woods.

A.D. 1909. — or other rights or easements appurtenant to holdings on the estate, the Land Commission may, if they think fit, on the application of the trustees, make an order releasing that parcel from all or any of those rights and easements upon such terms as to compensation and otherwise as may be agreed upon by the parties interested or, 5 in default of agreement, may be determined by the Land Commission; and any such order shall be effectual to release the parcel from those rights and easements in the manner and to the extent therein specified.

(2) Where any land is resold to the owner of an estate in 10 pursuance of section three or section seventy-six of the Act of 1903, and the land is subject to any such rights or easements as aforesaid, the Land Commission may on the application of the owner exercise the powers conferred on them by the last preceding subsection as regards those rights and easements, if and 15 so far as they are satisfied that the land, or portion thereof, is required by the owner for any of the said purposes.

(3) The Land Commission, on the application in the prescribed manner of any landlord who is desirous of selling an estate under the Land Purchase Acts, if they are satisfied that it is desirable 20 that the landlord should be authorised to resume portion of a holding upon the estate for the purpose of planting trees or preserving woods or plantations or growing timber, and that the value of the holding will not be materially diminished by reason of the resumption, may authorise the landlord to resume that 25 portion upon such terms as may be approved of by the Land Commission, including full compensation to the tenant, and may make an order accordingly apportioning the rent and discharging that portion of the holding from the tenancy.

Congested
estates.

19.—(1) In subsection (5) of section six of the Act of 1903 30 (which defines a congested estate) “ten pounds” shall be substituted for “five pounds.”

(2) Where an estate not being a congested estate within the meaning of the said section as so amended, comprises within its area one or more congested townlands, the Land Commission, 35 or in the case of townlands situated in a congested district county, the Congested Districts Board, may with the consent of the owner declare all or any one or more of such townlands to be a separate estate for the purposes of the Land Purchase Acts, and such townland or townlands shall thereupon be deemed for those 40 purposes to be a separate congested estate.

(3) An estate which consists exclusively of one or more congested townlands shall be deemed to be a congested estate. A.D. 1909.

(4) The expression "congested townland" means a townland more than one quarter of the area of which consists of—

- 5 . (a) congested holdings; or
 (b) holdings whose aggregate rateable value when divided by their number gives a sum of less than ten pounds for each holding:

The expression "congested holding" means—

- 10 (a) a holding not exceeding ten pounds in rateable value;
 or
 (b) a holding held in rundale or intermixed plots.

20. The powers for facilitating re-sales conferred on the Congested District Board by section one of the Congested Districts Board (Ireland) Act, 1901, and on the Land Commission by section twelve of the Act of 1903, may be exercised whether the request mentioned in the said section one or in section eighty-two of the Act of 1903 is or is not made. Powers for facilitating re-sales.
1 Edw. 7.
c. 34.

20 21. The powers of the Land Commission under section twenty-two of the Act of 1903 to determine disputes between proprietors of holdings may be exercised on the application, in the prescribed manner, of any tenants on an estate in respect of which purchase agreements have been entered into or negotiations for sale are pending, and the provisions of that section shall apply accordingly in like manner as if the tenants were proprietors of holdings. Power of Land Commission to determine disputes between tenants of holdings.

30 22.—(1) When an estate is purchased or agreed to be purchased by the Land Commission or the Congested Districts Board, any person having power under the Land Purchase Acts to enter into an agreement for the purchase of a holding on the estate shall have power in the prescribed manner to enter into an agreement with the Land Commission or the Congested Districts Board, as the case may be, for the exchange of the holding for any other holding which is in the opinion of the Commission or the Board of not less value than the original holding and to surrender the original holding to the Commission or the Board accordingly. Power to exchange tenancies.

(2) Upon the surrender of a holding by any person under this section all charges, liabilities, and equities affecting the

A.D. 1909. — tenant's interest in the holding shall, without any conveyance or order, be transferred to the interest acquired by that person in the new holding.

(3) The lands comprised in the original holding shall, notwithstanding the surrender of the holding, continue to be subject to all easements and profits a prendre to which they were subject at the time of the surrender. 5

1 Edw. 7.
c. 34.

(4) For the purpose of any application or order under subsection (6) of section one of the Congested Districts Board (Ireland) Act, 1901, with respect to charges, liabilities, and equities affecting the tenant's interest in a holding, it shall not be necessary to specify the several charges, liabilities, and equities, or any of them. 10

1 Edw. 7.
c. 34.

(5) When a holding to which any charges, liabilities, or equities have been transferred, whether under this section or under section one of the Congested Districts Board (Ireland) Act, 1901, is sold under the Land Purchase Acts, the particulars to be transmitted to the registering authority pursuant to section thirty-two of the Act of 1896 shall include particulars of the original holding from which the charges, liabilities, or equities have been transferred, and where the registering authority in any such case dispenses with the ascertainment of burdens, the note which he is required to make under subsection three of section twenty-nine of the Local Registration of Title (Ireland) Act, 1891, shall contain such modifications or additions as may be necessary for the purpose of protecting any transferred charges, liabilities, or equities. 15 20 25

54 & 55 Vict.
c. 66.

Amend-
ment of
59 & 60 Vict.
c. 47. s. 35.

23. Where the tenant of any holding charged with the repayment of any moneys expended or to be expended by the Land Commission or the Congested Districts Board in erecting or improving buildings on the holding enters into an agreement with the Commission or the Board for the purchase of the holding under the Land Purchase Acts, he shall not by reason of anything contained in section thirty-five of the Act of 1896 be discharged from liability in respect of that charge. 30

Certain powers
and duties of
Land Commis-
sion to be ex-
ercised by
Estates Com-
missioners.

24. The jurisdiction, powers and duties of the Land Commission under the foregoing provisions of this Part of this Act shall be exercised and performed exclusively by the Estates Commissioners. 35

Investment
of purchase-
money on
sales to

25. Where an estate is vested in the Land Commission by a vesting order made by them, the purchase-money may be paid into the Bank of Ireland and invested in like manner as 40

if the estate had been sold to persons other than the Land Commission, and the provisions of subsection three of section twenty-four of the Act of 1903, shall apply in the case of every sale to the Land Commission where the purchase money has
5 been invested under this section.

A.D. 1909.
Land Commission.

26. Without prejudice to any restriction under subsection (2) of section nine of the Act of 1903, the Land Commission shall not in any one year enter into agreements for the purchase of congested estates which will involve, according to their estimates, a total loss
10 on the re-sale of the estates of a greater sum than that which may be fixed by the Treasury for that year.

Restriction on amount expended by Land Commission on purchase of congested estates.

27.—(1) When the reserve fund established under paragraph (b) of subsection (2) of section five of the Act of 1891 is exhausted, any money required by the Land Commission for the
15 exercise of their powers under subsection (1) of section twelve of the Act of 1903 shall, up to an amount approved by the Treasury in each year, be paid out of moneys provided by Parliament.

Provision of money for expenditure on improvements by Land Commission, and closing of reserve fund.

(2) The said reserve fund shall, when it is exhausted, cease to exist as a separate fund, and any sums which under any Act
20 or otherwise are to be paid into that reserve fund, shall be paid into the Exchequer.

28.—(1) Regulations made by the Treasury may provide that where the Land Commission have expended money on the improvement of an estate purchased by them, and on the re-sale
25 of the estate the sums realised by them exceed the sum originally advanced from the Irish Land Purchase Fund for the purchase of the estate, the National Debt Commissioners may advance to the Land Commission a sum equal to the excess, or if that sum exceeds the amount expended by the Land Commission on the
30 improvements, a sum equal to the amount so expended, for repayment to the reserve fund if that fund has not been exhausted, and if that fund has been exhausted, for repayment to the Exchequer.

Provision as to money spent by Land Commission on improvements of estates purchased by them.

(2) Where the amount realised by the Land Commission
35 on the re-sale of a congested estate, or of an estate not being a congested estate on the improvement of which the Land Commission have expended money, is less than the sum originally advanced from the Irish Land Purchase Fund for the purchase of the estate, the deficiency in the case of a congested estate,
40 and in the case of an estate not being a congested estate, so much of the deficiency as does not exceed the amount so expended

A.D. 1909. — on improvements, shall be charged or remain charged, as the case requires, upon the reserve fund, if that fund has not been exhausted, and if that fund has been exhausted, or so far as that fund is not sufficient for the purpose, shall be paid out of moneys provided by Parliament, and credited in manner directed by the Treasury to the Irish Land Purchase Fund. 5

(3) Subsection (3) of section forty-three of the Act of 1903 shall cease to have effect.

Expenses of improvements by Land Commission on land sold by landlord to tenant.

29.—(1) Where the Land Commission deem it expedient to expend any money on the improvement of a holding sold or agreed to be sold by a landlord to a tenant, they may, in accordance with regulations to be made by the Treasury, enter into an agreement with the tenant for the repayment of the money so expended in the same manner as if such money was advanced under the Land Purchase Acts for the purchase of the holding, and the said money shall be repaid by an additional annuity accordingly. 10 15

(2) So far as circumstances admit the additional annuity shall in accordance with regulations to be made by the Treasury be consolidated and made payable with the purchase annuity. 20

(3) Regulations made by the Treasury may provide that where the repayment of any money expended by the Land Commission is secured by an additional annuity under this section, the National Debt Commissioners may advance to the Land Commission the said money for repayment to the reserve fund if that fund has not been exhausted, and if that fund has been exhausted, for repayment to the Exchequer. 25

Amendment of 3 Edw. 7. c. 37. s. 48 (4).

30. For the purposes of subsection (4) of section forty-eight of the Act of 1903, an estate shall be deemed to be so circumstanced that it would, independently of the Act of 1896, be sold without the consent of the owner as to price if the consent of the person who is owner would not be required in his capacity as owner, notwithstanding that his consent might be required in the capacity of incumbrancer or some other capacity. 30 35

Amendment of 3 Edw. 7. c. 37. s. 54.

31.—(1) As between the Land Commission and the proprietor for the time being of any holding for the purchase of which the Land Commission have, after the passing of this Act, made any advance under the Land Purchase Acts, the following conditions

shall be imposed in addition to the conditions mentioned in A.D. 1909.
section fifty-four of the Act of 1903, namely:—

5 The proprietor shall not, without the consent in writing in
the prescribed form of the Department of Agriculture
and Technical Instruction for Ireland, cut down or
uproot, or permit to be cut down or uprooted, any
tree (other than a fruit tree or osier) upon the holding
10 which is necessary for the ornament or shelter of
the holding; and if any such tree is cut down or
uprooted in violation of this condition, the proprietor
shall be guilty of an offence under this Act and shall
be liable on summary conviction to a penalty not
15 exceeding five pounds for each tree so cut down
or uprooted, unless he satisfies the Court that he
received the prescribed consent.

(2) Where, after the passing of this Act, a tenant enters
into an agreement for the purchase of his holding under the said
Acts, the foregoing condition with respect to the cutting and
uprooting of trees shall, as from the date of the agreement, apply
20 to the holding in like manner as if the advance had been made
unless and until the application for an advance is refused or
withdrawn.

(3) Subsection (2) and subsection (3) of section thirty of the
Act of 1881, as amended by any enactment, shall apply to any
25 sale by the Land Commission under this section.

(4) When the whole of the advance made for the purchase
of a holding under the Land Purchase Acts has been repaid,
the conditions imposed by this section, or by section fifty-four
of the Act of 1903, shall cease to have effect as regards the
30 holding or the proprietor thereof.

32. Subsection (3) of section sixty-seven of the Act of 1903
shall not apply to any land or holding subject to a purchase annuity
unless the Land Commission deem it expedient, having regard to
the situation, size, and character of such land or holding, to apply
35 the provisions of the said subsection thereto.

3. Edw. 7.
c. 37, sub-
section (3)
of s. 67 not
to apply.

33. The Land Commission, where interest on the purchase-
money of any holding is payable to them, shall have for the
recovery of such interest the same remedies as they have for
the recovery of unpaid instalments of a purchase annuity.

Recovery of
interest.

A.D. 1909. **34.** The provisions of subsection (2) of section sixty-nine of the Act of 1903 (relative to the appointment by the Land Commission of an administrator of a deceased applicant for an advance) shall apply in any case where the applicant dies before the advance is made. 5

Payments out of interest on purchase money before vesting.

35. Where interest on the purchase money of any land agreed to be sold under the Land Purchase Acts is payable—

(a) to the Land Commission under section thirty-five of the Act of 1896; or

(b) by the Land Commission or Congested Districts Board under section eighteen of the Act of 1903 as extended by this Act, 10

the owner of any superior or intervening interest or any incumbrancer may at any time before the land is vested in the purchaser or purchasers apply to the Land Commission for an order that payment in respect of the annual income of his claim be made to him out of the interest on the purchase money, and in such case the Commission, if they are satisfied that the justice of the case so requires, may make the order accordingly. 15

Amendment of 7 Edw. 7. c. 38.

36.—(1) The powers conferred on the Land Commission by section one of the Irish Land Act, 1907, for the purpose of the disposal of the mining rights mentioned in that section shall include a power to demise such rights to any person by way of take note or prospecting lease for any term not exceeding two years, at such rent and upon such conditions as the Land Commission think proper, with an option to the lessee to take a reversionary lease upon the like or such other terms as may be agreed on. 25

(2) On any demise under the said Act of 1907 as amended by this section a royalty rent variable according to the price or value of the minerals gotten, or a fixed rent or both may be reserved to the Land Commission. 30

(3) It shall not be obligatory upon the Land Commission to publish the advertisement mentioned in subsection (5) of section one of the said Act on granting any such reversionary lease if an advertisement has been published pursuant to that subsection before the execution of the take note or prospecting lease. 35

Powers of investment.

37.—(1) Where any land purchased by means of an advance under the Land Purchase Acts is settled land within the meaning 40

of the Settled Land Acts, 1882 to 1890, the trustees of the settlement may, on the request of the tenant for life, notwithstanding anything in the settlement to the contrary, invest the purchase money, or any part thereof, in the following manner
5 (that is to say):—

(a) With the sanction of the Public Trustee—

- (i) in any of the public stocks or funds or Government securities of any foreign government or state; or
- 10 (ii) in mortgages, bonds, debentures, or debenture stock charged upon the undertaking of any railway company in the United States of America, Mexico, the Argentine Republic, or Canada, which has, during each of the five years last past before the date of investment, paid a dividend on its preference stock (if any) or its ordinary stock;

(b) and without such sanction—

- (i) in the mortgages, bonds, debentures, or debenture stock of any railway company in the United Kingdom incorporated by special Act of Parliament which has, during each of the five years last past before the date of investment, paid a dividend on its preference stock (if any) or its ordinary stock, or in the preference stock of any such railway company which has, during a like period, paid a dividend on its ordinary stock;
- 20 (ii) in the stocks or shares of any tramway or light railway, dividends upon which are guaranteed under the Tramways (Ireland) Acts, 1860 to 1900; or
- 25 (iii) in the stock, mortgages, bonds, debentures, or debenture stock issued or to be issued by the council of any county or urban district in the United Kingdom under the authority of any Act or Provisional Order;

35 and may from time to time, subject to the like conditions, vary any such investment.

(2) The Public Trustee, in any case in which his sanction is required for an investment under this section, shall, before sanctioning the investment, satisfy himself that there is a reasonable probability that the investment will, if realised on the death
40 of the tenant for life or the termination of the trust, produce

A.D. 1909. — an amount not less than the sum invested; and the Public Trustee shall not incur any liability on account of any sanction given or withheld by him in good faith.

(3) The powers of investment conferred upon trustees by this section shall be in addition to any powers of investment conferred on them by the terms of the settlement or by Act of Parliament, and such last-mentioned powers may be exercised notwithstanding anything to the contrary in the settlement. 5

(4) A trustee shall not incur any liability by reason of any investment made by him in exercise of the powers conferred by this section. 10

(5) Subsections (1), (2), and (3) of section fifty-one of the Act of 1903 shall cease to have effect.

Examiners of title.

38. A barrister-at-law or solicitor shall not be deemed to have retired from practice by reason of his having been temporarily appointed and having acted as an examiner of the Land Commission under the provisions of the Land Purchase Acts. 15

Provision as to immediate landlords not having power to sell.

39. Where the immediate landlord of any holding or holdings has not an interest sufficient to constitute him a person having power to sell to tenants under the Land Purchase Acts, the next superior landlord having such an interest shall be deemed to be a person having power to sell to occupying tenants under the said Acts notwithstanding that the said holding or holdings constitute the whole estate of such superior landlord, and section fifteen of the Act of 1903 shall apply accordingly. 20 25

Presumption of release of unpaid rent in certain cases.

40.—(1) Where any land sold under the Land Purchase Acts is subject to any rent reserved under a lease, and no payment on foot of such rent has been made for a period of forty years prior to such sale, such rent shall, for the purposes of such sale and the distribution of the purchase money, be deemed to have been released. 30

(2) Where portions of any such rent have become vested in different owners, this section shall apply to any portion of such rent as if it was a separate rent. 35

PART III.

CONGESTED DISTRICTS.

Incorporation of the Congested

41.—(1) From and after the appointed day the Congested Districts Board for Ireland shall be a body corporate, bearing the

name of the "Congested Districts Board for Ireland," with a capacity to acquire and hold land and to sue and be sued by its corporate name. A.D. 1909.
Districts
Board.

(2) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of a permanent member of the Board or of the secretary.

(3) In the execution or performance of any power or duty conferred upon or transferred to the Board, by or in pursuance of any enactment, the Board shall adopt and use the style and seal of the Congested Districts Board for Ireland.

(4) The powers and duties of the trustees of the Congested Districts Board for Ireland under any enactment shall on the appointed day be transferred to the Board.

(5) Subsection (3) of section thirty-four of the Act of 1891 and subsections (2) and (3) of section two of the Congested Districts Board (Ireland) Act, 1893, shall cease to have effect as from the appointed day. 56 & 57 Vict.
c. 35.

42.—(1) The council of any administrative county comprising a congested districts county may, at the request of the Congested Districts Board, appoint a committee for any electoral division or for any other area in the congested districts county, consisting partly of members of their own body, and partly of other persons for the purpose of obtaining such information and furnishing such suggestions as the Board may require, and of generally assisting the Board in the relief of congestion in the congested districts county. Congested
districts
counties and
local autho-
rities.

(2) The Local Government Board for Ireland in consultation with the Congested Districts Board may make rules regulating the election, meetings, and procedure of the said joint committee.

43. The powers and duties of the Congested Districts Board under any enactment, so far as they relate to any of the following matters; namely:— Transfer
of certain
powers and
duties of
the Board to
the Depart-
ment of
Agriculture.

- (a) The provision of seed potatoes or seed oats;
- (b) Agricultural instruction or practical husbandry;
- (c) The aiding and developing of industries, forestry, or the breeding of live stock or poultry; or
- (d) The aiding and developing of sea fisheries;
- (205.) D

A.D. 1909. shall on the appointed day be transferred to the Department of
 — Agriculture and Technical Instruction for Ireland (in this Part of
 this Act referred to as the Department) and shall from that day
 cease to be exercised or performed by the Board.

Provision of
 money for
 Board and
 Department
 of Agriculture.

44. As from the appointed day an annual sum of one hundred **5**
 and sixty-three thousand seven hundred and fifty pounds shall be
 paid out of moneys provided by Parliament, as follows:—

Out of that sum an annual sum of nineteen thousand pounds
 shall be paid to the Department for the purpose of the
 exercise of the powers and the performance of the duties **10**
 transferred to the Department under this Act, and the
 residue shall be paid to the Congested Districts Board:

Provided that at any time after the expiration of five years
 from the appointed day the Lord Lieutenant may, on the appli-
 cation of the Department or the Board, from time to time direct **15**
 that the amount payable to the Department for the purpose
 aforesaid shall be increased or reduced, and the increased or
 reduced amount shall as from the date fixed by the Lord
 Lieutenant be the amount payable to the Department under this
 section. **20**

Provisions
 consequen-
 tial on trans-
 fer of powers
 and duties.

45.—(1) Where any powers and duties are transferred by
 this Part of this Act from one authority to another authority—

(i) all property, whether real or personal (including easements
 and rights and things in action) held by or in trust
 for or vested in the first authority for the purpose **25**
 or by virtue of those powers and duties, shall without
 any conveyance or assurance pass to and vest in the
 other authority subject to all debts and liabilities
 affecting the same; and

(ii) the latter authority shall hold the property for the estate **30**
 interest and purposes and subject to the covenants,
 conditions, and restrictions for and subject to which
 the property would have been held if this Act had not
 passed so far as the same are not modified by or in
 pursuance of this Act; and **35**

(iii) all debts and liabilities of the first authority incurred
 by virtue of those powers and duties shall become
 debts and liabilities of the latter authority; and

(iv) in any proceedings relating to those powers and duties
 and pending at the time of the transfer to which the **40**

first authority is a party, the latter authority shall be substituted for the first authority and the proceedings shall not abate by reason of the substitution; and

5 (v) any reference to the first authority in any enactment, order, instrument, contract, or other document in relation to those powers or duties shall, so far as is necessary for the exercise of those powers or the discharge of those duties, be construed as a reference to the latter authority.

10 (2) The expression "authority" in this section means the Congested Districts Board, the Department and the trustees of the Congested Districts Board.

46.—(1) The Lord Lieutenant, by Order made with the advice of the Privy Council, may make such regulations as appear
15 to him necessary or expedient for carrying into effect this Part of this Act. Orders in Council.

(2) An Order of the Lord Lieutenant made as aforesaid under this section shall be laid before both Houses of Parliament as soon as may be after it is made, and if within the next subsequent
20 forty days on which either House has sat that House presents an address to His Majesty praying that any such Order may either in whole or in part be annulled, His Majesty in Council may annul the same either in whole or in part as the case may require, and the Order or part so annulled shall thenceforth
25 become void without prejudice to the validity of any proceedings taken under the same in the meantime :

Provided that where any Order or any part thereof is so annulled, the Lord Lieutenant may within six months thereof make, by and with the advice aforesaid, another Order in place of
30 the Order or part so annulled, subject nevertheless to be laid before Parliament, and to be annulled by His Majesty in Council in manner above mentioned, and so on as often as the case requires.

47. The Congested Districts Board may, with the approval
35 of the Treasury, make a scheme providing for the grant of pensions or gratuities, according to the scale and subject to the conditions (so far as applicable) prescribed by the Superannuation Acts, 1834 to 1892, or any Acts amending the same, to such officers or persons employed by them, not being otherwise pensionable, as
40 may be from time to time approved by the Treasury; and the Grant of superannuation allowances by Congested Districts Board.

(205.) D 2

A.D. 1909. — Board may pay to any such officers or persons out of the funds at their disposal such pensions or gratuities under the scheme as the Treasury may sanction in each case.

Acquisition
of land by
Congested
Districts
Board.

48.—(1) From and after the appointed day, the Congested Districts Board shall cease to exercise any power to acquire land save as otherwise provided in this section. 5

(2) Where any congested estate situated in a congested districts county (or any estate so situated, for the sale of which an absolute order has been made under the Landed Estates Court (Ireland) Act, 1858), or any untenanted land, is required by the Congested Districts Board for the purposes of the Congested Districts Board (Ireland) Acts, as amended by this Act, the Board shall issue a requisition calling upon the Land Commission to take steps to acquire the estate or untenanted land otherwise than by the exercise of the compulsory powers by this Act conferred upon them, and shall state what in their opinion would be the fair price of such land. 10 15

(3) Upon the receipt of such requisition the Land Commission shall take all reasonable and proper steps to acquire the estate or land by voluntary agreement, on such terms as they shall, in the circumstances, deem reasonable, in the manner provided by this Act in the case of sales other than compulsory, and shall thereafter make an order which shall be effectual to transfer to and vest in the Congested Districts Board such estate or untenanted land for all the rights acquired by the Land Commission therein: 20 25

Provided that, if the untenanted land be not situated in a congested districts county, the Land Commission, before making such an order as aforesaid in respect of such land, may sell such parcel or parcels thereof under the Land Purchase Acts to any tenant or proprietor of a congested holding on or immediately adjacent to such land as will raise such holding or holdings to a valuation of ten pounds, and shall make such order as aforesaid only in respect of the balance of such land remaining over after the sale of such parcel or parcels as aforesaid. 30

(4) Notwithstanding anything in this section, the Congested Districts Board may, for the purpose of the Congested Districts Board (Ireland) Acts, purchase the interests from the occupying tenant in any holding provided the tenant accept the price offered by the Board. 35

49. If at any time on a representation in the prescribed form from the Congested Districts Board it appears expedient to the Lord Lieutenant, acting by and with the advice of the Privy Council, to include under the provisions of section thirty-six of the Purchase of Land (Ireland) Act, 1891, an electoral division or any part thereof other than the divisions already scheduled as congested under that section, or at any time after consultation with the Board to exclude from that provision any electoral division, or part thereof, which is now included, it shall be lawful for him to include or exclude, as the case may be, such division, or part thereof:

A.D. 1909.
Inclusion or exclusion of electoral districts by Lord Lieutenant as congested under provisions of 54 & 55 Vict. c. 48.

Provided that no division, or part thereof, shall be included which is not situated in an administrative county which contains a congested districts county.

50.—(1) The Board may sell any parcels of any land purchased by them before the passing of this Act or purchased on their requisition under this Act to any tenants or proprietors of holdings in a congested districts county.

Sales of parcels of land by Congested Districts Board.

(2) If any parcels of such land are not required for, or having regard to the circumstances of the estate, land, or district cannot advantageously be sold to, such tenants or proprietors, the Board may sell those parcels to whomsoever they think fit having regard to the welfare of the locality.

(3) Where the Congested Districts Board sell any parcel of land to the son of any tenant or proprietor under this section, they shall insert in their annual report to the Lord Lieutenant full particulars of the sale and the circumstances in which the same was made.

(4) The provisions of this Act with respect to the application of the Land Purchase Acts to parcels of land shall apply in the case of the sale of any parcel of land under this section, subject, however, to restrictions as to the persons to whom the order in, and the conditions and circumstances upon or under which, advances may be made for the purchase of parcels of land under the Land Purchase Acts similar to those contained in section sixteen of this Act, so far as the same may be applicable.

(5) Section seventy-five of the Act of 1903 shall cease to have effect.

51. When after the passing of this Act the Land Commission acting on a requisition from the Congested Districts Board enter

Application of s. 18 of 3 Edw. 7. c. 37 to land

A.D. 1909. into an agreement for the purchase of an estate or untenanted
 acquired by Land Com- land, or compulsorily acquire an estate, or untenanted land for
 mission on the Board, the provisions of section eighteen of the Act of 1903
 requisition (which relates to rents and profits recoverable by the Land
 of Congested Commission) shall apply in like manner as they apply in the 5
 Districts case of land agreed to be purchased by the Land Commission,
 Board. subject to the following modifications (that is to say):—

- (a) The Congested Districts Board shall be substituted for the
 Land Commission ;
- (b) All rents and profits and arrears of rent payable to the 10
 Board shall be recoverable by the Board in like manner
 as if the Board were the owner of the estate or
 untenanted land.

PART IV.

COMPULSORY PURCHASE.

15

Scheme for
 compulsory
 purchase to
 be submitted
 to Land
 Commission
 by Con-
 gested Dis-
 tricts Board.

52. Where the Congested Districts Board are of opinion that
 it is desirable to acquire land for the purpose of relieving congestion
 in any portion of a congested districts county, by adding to the
 holding of any proprietor or tenant of a holding therein of a
 rateable value of less than ten pounds, such parcel or parcels of 20
 land as will, when added to such holding, raise the rateable value
 thereof, so far as the same can at the time of such addition be
 reasonably estimated, to the sum of ten pounds, or by providing
 a holding for a person who has surrendered his holding for the
 purpose of relieving congestion, they may submit to the Land 25
 Commission a scheme setting forth the land which they propose
 should be acquired for the purposes aforesaid on their behalf,
 the extent, nature, boundaries, and condition thereof, and the
 names of the person or persons by whom the same owned,
 occupied, or used and enjoyed, the mode in which it is used, 30
 worked, or cultivated, together with such further and other
 particulars as may be prescribed. An authentic copy of such
 scheme, signed by the secretary of the Board, shall be lodged
 in the offices of the Land Commission in the time and manner
 prescribed, together with a statement under the hand of the 35
 aforesaid secretary, setting forth in detail the facts which, in
 the opinion of said Board, establish that the land sufficient and
 suitable for the aforesaid purpose cannot be acquired by
 voluntary purchase at a reasonable price.

53. The Estates Commissioners shall consider the said scheme and the matters set forth in the said statement and if satisfied that it is primâ facie necessary that the land therein mentioned should be acquired compulsorily for the purposes 5 therein set forth, shall proceed so to acquire the same in manner herein-after provided :—

A.D. 1909.
Compulsory
purchase.

- 10 (1) The Estates Commissioners shall publish in the "Dublin Gazette" a notice containing the prescribed particulars with respect to the lands proposed to be acquired, and calling upon any person interested in the same who may object on any ground to the acquisition thereof compulsorily under this section to lodge in the office of the Land Commissioner, within the prescribed time, a statement of the grounds of his or her objections :
- 15 (2) A copy of the aforesaid notice shall be served by the Estates Commissioners so soon as may be, in the prescribed manner, upon any person who appears to them to be the owner or an owner of the said land or any part thereof, and upon all persons known or 20 believed by them to be interested therein :
- 25 (3) At any time after the publication of the aforesaid notice, any inspectors of the Estates Commissioners or other persons appointed by them in that behalf may enter upon the land and do all such things as may be necessary for the purpose of enabling the three Commissioners aforesaid to determine whether the said land is suitable for the purpose for which it is sought to be acquired :
- 30 (4) If no objection has been made by any of the persons aforesaid to the acquisition thereof under this Act, or any such objection, if made, has been withdrawn, the Estates Commissioners may make an order that on payment into the Bank of Ireland of the compensation for the lands taken, and also for any other land of the same owner or owners injuriously affected (such 35 compensation to be ascertained in the manner herein-after provided), the said land, or such portion thereof as they shall specify, shall vest in the Land Commission :
- 40 (5) If an objection has been made and has not been withdrawn, the same shall be inquired into, heard, and determined in open court, the parties interested having been given

A.D. 1909.

an opportunity of being heard by a tribunal herein-after called the tribunal, composed of the Judicial Commissioner, together with two judges of the King's Bench Division of the High Court who are next in order on the rota mentioned in section two, subsection eleven, 5 of the Evicted Tenants (Ireland) Act, 1907. While the said rota shall continue in force, and from thenceforth, together with the judges of the said Division who shall be next in order on a rota similar in character to the former, which the judges of the 10 said Division are hereby authorised and empowered to frame for the purposes of this Act.

- (6) If every objection so made should be over-ruled, an order may be made by this tribunal similar to that which may be made by the aforesaid Commissioners where no 15 objection has been made, and, in addition, costs not exceeding thirty pounds in amount may be awarded to any person appearing to sustain or oppose any objection, same to be paid by the Land Commission :
- (7) If every objection so made and not withdrawn shall not 20 be over-ruled, then, subject to the appeal herein-after mentioned, no further proceedings shall be taken without the consent of the Judicial Commissioner to acquire the said lands compulsorily for a period of five years : 25
- (8) An appeal shall lie to the Court of Appeal from any decision of the said tribunal on any question of law, or mixed question of law and fact. The Court of Appeal shall have jurisdiction and power, on the hearing of the appeal, to make any order, including an 30 order as to cost, which the tribunal could have made, and the same consequences shall follow upon the making of such an order as would have followed if the same had been made by the said tribunal :
- (9) The decision of the Court of Appeal shall be final : 35
- (10) Upon the making of an order by the aforesaid tribunal or by the Court of Appeal over-ruling all objections, or of the making of an order by the said Commissioners where no objection has been made, or if made has been withdrawn, or within a reasonable time thereafter the 40 compensation payable in respect of the lands taken or

injuriously affected shall be determined on the principles on which compensation is awarded for lands taken compulsorily under the Lands Clauses Acts by two arbitrators, of whom one shall be appointed by the Congested Districts Board and the other by the vendor. Such arbitrators shall appoint an umpire within the time and in the manner prescribed, and if they fail or neglect to do so an umpire shall be appointed by the Lord Chief Justice of Ireland for the time being. The decision of the umpire on the matters on which the arbitrators may differ, or which may be referred to him, shall be final: Provided that, with the consent of all the parties interested, the amount of the aforesaid compensation may be determined on the principles aforesaid by the tribunal itself instead of by arbitration:

(11) All moneys paid into the Bank of Ireland as compensation for lands purchased or taken under this Part of this Act shall be dealt with as if they were the purchase money of lands purchased by the Land Commission, and the provisions of the Land Purchase Acts relative to such lands and purchase money shall as nearly as possible apply, whether in respect of the making of title, the making of vesting orders, the transfer of claims from the land to the purchase money, the distribution of the purchase money, or otherwise.

54. The Congested Districts Board may at any time, with the consent of the tribunal, and on such terms as to payment of costs and otherwise as the latter may deem fit to impose, modify the scheme so lodged by them to meet any objection raised thereto.

Modification of scheme by Congested Districts Board.

The Court of Appeal may in cases pending before it on appeal permit the said scheme to be modified on similar terms.

55. In the case of the acquisition of land compulsorily, such sum as the vendor may approve and the Land Commission may sanction shall be paid out of the purchase money to the land agent of the estate on which such land is situated or to the negotiator for the purposes of the sale (if any), and the said agent or negotiator shall give the Land Commission such information as may be required by them after all questions in connexion with the compulsory acquisition of the land shall have been finally determined.

Payment to land agent &c., on acquisition of land compulsorily.

A.D. 1909.
Lands which
may not be
acquired
compulsorily
under pre-
ceding
sections.

56. Land shall not be acquired compulsorily under the provisions of this Part of this Act which—

- (1) Is situate without an administrative county containing a congested districts county. For the purpose of this subsection the west riding of the county of Cork shall be deemed an administrative county; or 5
- (2) Is land not deemed under the provisions of this Act to be untenanted land held by a tenant under a bonâ fide contract of tenancy and by him used or cultivated as a farm or part of a farm according to a reasonable course of husbandry; or 10
- (3) Has been acquired by a tenant under the provisions of the Irish Church Act, 1869, or purchased under the Land Purchase Acts as defined by the Redemption of Rent (Ireland) Act, 1891, the Irish Land Act, 1903, or this Act; or 15
- (4) Is the property of any local authority, or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the scheme forms part of any park, garden, pleasure ground, recreation ground, demesne, or home farm, or is required for the amenity or convenience of any dwelling-house; or 20
- (5) Is of an annual rateable value not exceeding two hundred pounds, and is occupied and cultivated as a farm according to a reasonable course of husbandry by a person holding under a fee-farm grant, or a lease for lives renewable for ever, or for a term of years of which not less than sixty are unexpired. Provided that if the annual rateable value of the said farm shall exceed two hundred pounds the compulsory provisions of this Part of this Act shall apply only to such a proportion of the farm as may be found to represent a rateable valuation in excess of two hundred pounds, and the Estates Commissioners may divide the farm and apportion the valuation, subject, however, to the provisions of this Part of this Act respecting the hearing of objections and the fixing of prices: 30 35

Provided always that, in the exercise of the powers for the acquisition of land conferred by this Act, the Estates Commissioners shall, in the case of untenanted land, avoid all interference 40

[9 EDW. 7.]

Irish Land.

31

with the demesne and amenity of residence of the owner of the land, or with any home farm, or land immediately adjoining or customarily occupied with his residence, and land shall be selected with due regard to the general situation and convenience
5 of any other property of the owner, so as not to diminish the value thereof.

A.D. 1909.

57. Land shall not be acquired compulsorily for the purpose of being sold, nor shall it, if so acquired, be sold to any person or persons other than those herein-before mentioned, and under the
10 conditions and restrictions herein-before set forth.

Land not to be acquired compulsorily for purpose of being sold.

PART V.

SUPPLEMENTAL.

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

15 The expression “prescribed,” in any case not otherwise provided for, means prescribed by rules made by the Judicial Commissioner and the Estates Commissioners in the manner directed by subsection (13) of section twenty-three of the Act of 1903;

20 The expression “the Land Purchase Acts” includes the Land Purchase Acts as defined by the Act of 1903, the Irish Land Act, 1907, and Parts I., II., and IV. of this Act; 7 Edw. 7. c. 38.

25 The expression “the Land Law Acts” means the Land Law Acts as defined by the Act of 1903 and Part V. of this Act;

The expression “the Act of 1881” means the Land Law (Ireland) Act, 1881; 44 & 45 Vict. c. 49.

The expression “the Act of 1887” means the Land Law (Ireland) Act, 1887; 50 & 51 Vict. c. 33.

30 The expression “the Act of 1891” means the Purchase of Land (Ireland) Act, 1891; 54 & 55 Vict. c. 48.

The expression “the Act of 1896” means the Land Law (Ireland) Act, 1896; 59 & 60 Vict. c. 47.

35 The expression “the Act of 1903” means the Irish Land Act, 1903; 3 Edw. 7. c. 37.

(205.)

E 2

- A.D. 1909, . The expression "the Judicial Commissioner" means the
 Judicial Commissioner appointed under the Act of 1881;
 and
 The expression "appointed day" means such day as the
 Lord Lieutenant may appoint. 5
- Untenanted
 land. . **59.** Subject to the provisions of section fifty-three, paragraph
 four, land in the occupation of a person holding under a fee-farm
 grant or a lease for lives renewable for ever, or a lease for a term
 of years of which not less than sixty are unexpired, shall for the
 purposes of the Act of 1903, the Evicted Tenants (Ireland) Act, 10
 1907, and this Act, be deemed to be untenanted land.
- Amendment
 of 1 Edw. 7
 c. 34. s. 1
 (2). **60.** Notwithstanding anything contained in section one, sub-
 section (2), of the Congested Districts Board (Ireland) Act of 1901,
 the Congested Districts Board shall not be required to state in
 the notice served upon any tenant that the new holding with 15
 which the Board undertakes to provide him shall be situated in
 the same or an adjacent or neighbouring estate.
- Construc-
 tion. **61.** Parts I., II., and IV. of this Act shall be construed as
 one with the Land Purchase Acts, and may be cited with those
 Acts. 20
- Part III. of this Act shall be construed as one with the
 Congested Districts Board (Ireland) Acts, and may be cited with
 those Acts.
- Short title. **62.** This Act may be cited as the Irish Land Act, 1909.
- Repeals. **63.** The Acts specified in the Second Schedule to this Act 25
 are hereby repealed to the extent mentioned in the third column
 of that schedule.

SCHEDULES.

A.D. 1909.

FIRST SCHEDULE.

(1) The percentage shall be a percentage on the amount advanced in respect of each holding and parcel of land comprised in the estate, and shall be calculated according to the number of years' purchase represented by the advance upon the following scale:—

Number of years' purchase represented by the Advance.				Rate of Percentage.
(1) Where the Rent is a Judicial Rent fixed or agreed to since the passing of the Act of 1896, or the Land is untenanted.		(2) Where the Rent is a Judicial Rent fixed or agreed to before the passing of the Act of 1896, or a Non-Judicial Rent.		
10	26 and upwards	- -	24 and upwards	Nil
	25 and under 26	- -	23 and under 24	3
	24 " 25	- -	22 " 23	4
15	23 " 24	- -	21 " 22	6
	22 " 23	- -	20 " 21	8
	21 " 22	- -	19 " 20	10
	20 " 21	- -	18 " 19	12
	19 " 20	- -	17 " 18	14
20	18 " 19	- -	16 " 17	16
	Under 18	- -	Under 16	18

(2) In cases where an estate is purchased by the Estates Commissioners or the Congested Districts Board, and the advance is made in respect of the estate as a whole, the advance shall, for the purpose of the application of the scale, be apportioned between the holdings and parcels of land comprised in the estate in such manner as the Estates Commissioners or the Congested Districts Board, as the case may be, direct.

(3) In the case of the purchase of a parcel of untenanted land, and in any case where the amount advanced is less than the purchase money, the number of years' purchase represented by the advance shall be calculated in manner prescribed by the Treasury, regard being had in the case of untenanted land to the fair annual value of the land to the owner.

A.D. 1909.

SECOND SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
51 & 52 Vict. c. 49.	The Purchase of Land (Ireland) Amendment Act, 1888.	Section two, save as regards advances in pursuance of purchase agreements entered into before the passing of this Act.	5
56 & 57 Vict. c. 35.	The Congested Districts Board (Ireland) Act, 1893.	Subsections (2) and (3) of section two.	10
3 Edw. 7. c. 37	The Irish Land Act, 1903.	In section one, subsection (4), save as regards advances in pursuance of purchase agreements entered into before the passing of this Act. Section two, save as regards sales of parcels of land in respect of which purchase agreements have been entered into before the passing of this Act. Subsection (3) of section forty-three. Section forty-four. In subsection (1) of section forty-seven, from "provided" to end of subsection. Subsection (3) of section forty-eight, subsections (1), (2), and (3) of section fifty-one. Section seventy-five.	15 20 25

Irish Land.

A

B I L L

[AS AMENDED ON THIRD READING]

INTITLED

An Act to amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto.

(Brought from the Commons 20th September 1909.)

Ordered to be printed 29th October 1909.

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[Price 4s.]

(205.)

Irish Land Bill.

ON CONSIDERATION OF THE COMMONS REASON FOR
DISAGREEING TO THE LORDS AMENDMENTS.

THE LORD PRIVY SEAL (*E. Crewe*) to move that the
Lords do not insist upon their amendments.

Irish Land Bill.

ON CONSIDERATION OF THE COMMONS
REASON FOR DISAGREEING TO THE
LORDS AMENDMENTS.

MOTION

BY

THE LORD PRIVY SEAL. (*E. Crewe*).

16th November 1909.

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[*Price 3d.*]]

(205 *a.*)

ON CONSIDERATION OF THE COMMONS REASON FOR
DISAGREEING TO THE LORDS AMENDMENTS.

*(Amendments to be moved by the Lord Privy Seal (E. Crewe),
the Marquess of Lansdowne, and the Lord Atkinson in
substitution for the amendments to which the Commons
disagree.)*

[NOTE.—*The references are to Bill No. (177.).*]

*[To be substituted for the list of Amendments previously
circulated.]*

After Clause 3.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 3.

Insert the following new clause—

.—(1) Regulations may be made by the Lord Lieutenant Regulations
as to priority. for determining the priority in which advances, whether by means of money or of stock, or partly by means of money and partly by means of stock, may be sanctioned or made and for allocating as between different classes of sales the amounts from time to time available for advances.

(2) The regulations shall provide that in determining the priority as between sales of the same class regard shall be had, so far as is reasonably practicable, to the dates at which proceedings for the respective sales were commenced, or, in cases where proceedings are transferred from one class to another, to the dates of the respective transfers.

(3) Every regulation made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

Clause 11.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 6.

Line 26, after (" holding ") insert (" or in consequence of any
" direction of the Land Commission ")

Clause 12.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 7.

Line 13, after (" Commission ") insert (" or the Land Judge ")
Line 17, after (" by ") insert (" or with "), and after (" Com-
" mission ") insert (" or the Land Judge ")

Clause 14.

BY THE MARQUESS OF LANSDOWNE.

Page 8.

Line 17, leave out from (" that ") to (" they ") in line 19 and
insert (" by means of the existence of arrears of rent owed
" by the tenant undue influence was exercised by the land-
" lord to induce the tenant to enter into the purchase
" agreement and the risk to the Treasury would, if the
" advance were made, be thereby unduly increased ")

Line 22, after (" with ") insert--

(2) Any person aggrieved by any order of the Land Com-
mission under this section may, within the prescribed time and in
the prescribed manner, apply to the Land Commission to refer the
order to the Judicial Commissioner for consideration, and in such
case the order shall not have effect unless and until it is approved
by the Judicial Commissioner.

(3)

Clause 15.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 8.*

Line 36, leave out from ("resides") to ("and") in line 40.

Clause 16.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 9.*Lines 11 and 12, leave out ("first day of January in the year
"nineteen hundred and eight") and insert ("fifteenth day
"of September in the year nineteen hundred and nine")

Clause 17.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 9.*

Leave out lines 20, 21, and 22.

Line 33, leave out ("considering") and insert ("adequate
"provision has been made to satisfy"), and after ("of")
insert ("the")

Clause 19.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 11.*

Line 1, after ("grazing") insert ("or other")

Line 18, after ("purposes") insert—

(3) The Land Commission, on the application in the prescribed manner of any landlord who is desirous of selling an estate under the Land Purchase Acts, if they are satisfied that it is desirable that the landlord should be authorised to resume portion of a

(205 *b.*)

A 2

Clause 19—continued.

Page 11.

holding upon the estate for the purpose of planting trees or preserving woods or plantations, or growing timber, and that the value of the holding will not be materially diminished by reason of the resumption, may authorise the landlord to resume that portion upon such terms as may be approved of by the Land Commission, including full compensation to the tenant, and may make an order accordingly apportioning the rent and discharging that portion of the holding from the tenancy.

Clause 20.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 11.

Leave out clause 20.

Clause 21.

BY THE MARQUESS OF LANSDOWNE.

Page 12.

Leave out lines 1 to 4 and insert—

(1) The consent of the owner required for the purposes of subsection (4) of section six of the Act of 1903, shall cease to be required.

Line 6, leave out (“ as so amended ”)

Leave out line 17 and insert (“ more than one quarter of the
“ area of which consists of ”)

Lines 20 and 21, leave out (“ ten pounds ”) and insert (“ five
“ pounds ”)

Line 23, leave out (“ ten pounds ”) and insert (“ five pounds ”)

Line 24, leave out (“ and ”) and insert (“ or ”)

(5)

Clause 27.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 14.*

Leave out clause 27.

Clause 34.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 16.*

Line 24, leave out ("five") and insert ("seven")

After Clause 34.BY THE LORD PRIVY SEAL (*E. Crewe*).

Insert the following new clause—

. Subsection (3) of section sixty-seven of the Act of 1903 shall not apply to any land or holding subject to a purchase annuity unless the Land Commission deem it expedient, having regard to the situation, size, and character of such land or holding, to apply the provisions of the said subsection thereto.

Application
of 3 Edw. 7.
c. 37. s. 67
(3).

Clause 35.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 17.*

Line 17, leave out from ("annuity") to the end of the clause.

Clause 39.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 18.

Line 27, leave out (" the ")

Line 28, after (" stock ") insert (" charged upon the under-
" taking "), and after (" railway ") insert (" company ")

Page 19.

Line 24, leave out (" trustees ") and insert (" them ")

After Clause 40.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Insert the following new clauses—

Provision as
to immediate
landlords not
having
power to
sell.

. Where the immediate landlord of any holding or holdings has not an interest sufficient to constitute him a person having power to sell to tenants under the Land Purchase Acts, the next superior landlord having such an interest shall be deemed to be a person having power to sell to occupying tenants under the said Acts notwithstanding that the said holding or holdings constitute the whole estate of such superior landlord, and section fifteen of the Act of 1903 shall apply accordingly.

Presumption
of release
of unpaid
rent in cer-
tain cases.

—(1) Where any land sold under the Land Purchase Acts is subject to any rent reserved under a lease, and no payment on foot of such rent has been made for a period of forty years prior to such sale, such rent shall, for the purposes of such sale and the distribution of the purchase money, be deemed to have been released.

(2) Where portions of any such rent have become vested in different owners, this section shall apply to any portion of such rent as if it was a separate rent.

Clause 41.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 20.

Leave out lines 3 to 8.

Clause 42.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 20.

Leave out clause 42.

Clause 43.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 20.

Line 39, after (" any ") insert (" congested ")

Line 41, leave out (" if they think fit ") and insert (" if in
" their opinion it is desirable that the estate or untenanted
" land should be purchased for the purpose of relieving
" congestion ")

Clause 45.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 22.

Line 39, leave out (" five ") and insert (" eight ")

Page 23.

Leave out lines 1 to 4.

Leave out lines 7 and 8 and insert (" An appointed member
" shall hold office for five years, and shall be eligible for
" re-appointment. On a casual vacancy occurring by
" reason of the death, resignation, or incapacity of an

Clause 45 --*continued.*

Page 23.

“ appointed member or otherwise, the person appointed by
“ His Majesty to fill the vacancy shall continue in office
“ until the member in whose place he was appointed would
“ have retired, and shall then retire ”)

Leave out lines 20, 21, and 22.

Line 24, leave out (“ or elected ”)

Clause 46.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Leave out clause 46.

Clause 47.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Leave out clause 47.

Clause 48.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 24.

Line 19, leave out (“ Clare ”)

Line 20, after (“ county ”) insert (“ the four rural districts of
“ Ballyvaghan, Ennistymon, Kilrush, and Killadysert in
“ the county of Clare, shall together form one congested
“ districts county ”)

Leave out lines 23 to 31.

Leave out lines 36 to 38.

(9)

Clause 53.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 26.*

Lines 31 and 32, leave out ("and of the administrative
" committee ")

Clause 55.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 27.*

Line 38, leave out from ("them ") to ("to ") in line 39, and
insert ("after the passing of this Act ")

Line 40, at end insert ("or to any herdsmen employed on or in
" connection with the land ")

Page 28.

Leave out lines 1 to 11.

Line 17, at end insert ("save as respects sales of parcels of
" land purchased by the Board before the passing of this
" Act ")

Clause 60.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 29.*

Line 18, after ("no ") insert ("congested ")

Line 22, leave out from ("undertake ") to ("Provided ") in
line 23 and insert ("to enter into an agreement or to send
" a final offer for the purchase of the estate within one
" year ")

Clause 62.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Leave out clause 62.

Clause 64.

BY THE LORD ATKINSON.

Page 30.

Line 40, leave out ("Judicial Commissioner") and insert
(" Court ")

Page 31.

Leave out from ("land") in line 4 to end of clause.

After Clause 64.

BY THE LORD ATKINSON.

Page 31.

Insert the following new clauses—

Applications
to the court.

.—(1) If any person interested in the estate or untenanted
land objects to the acquisition of the same under this Part of this
Act on the ground—

- (a) that other land sufficient and equally suitable for the purposes for which the estate or untenanted land is proposed to be acquired is available for purchase by the Commissioners or Board, as the case may be, by voluntary agreement at a reasonable price ; or
- (b) that the estate or untenanted land consists of or includes land in the occupation of the owner which is, or forms part of, a park, garden, pleasure ground, recreation ground, demesne, or home farm, or was purchased under the provisions of the Irish Church Act, 1869, for a sum not exceeding two thousand pounds ; or
- (c) that the estate or untenanted land consists of or includes land which has been purchased under the Land Purchase Acts, or is the property of a local authority,

After Clause 64—continued.*Page 31.*

or is held by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking; or

- (d) that if the estate or untenanted land is acquired as proposed other land of the owner adjoining the estate or untenanted land will be injuriously affected or the amenity of the owners residence will be impaired :

he may, within the prescribed time and in the prescribed manner, apply to the court for an order restraining the Estates Commissioners from acquiring the estate or untenanted land, or any specified part or parts of the same under this Part of this Act.

(2) The court for the purposes of this Part of this Act shall be a court constituted of the Judicial Commissioners and two Judges of the King's Bench Division of the High Court to be selected from a rota formed for the purpose.

(3) The court shall hear and determine all applications coming before it under this section, and may, if the justice of the case so requires, amend the final offer by excluding therefrom any part or parts of the lands therein described, or (with the consent of the owner and the body by whom the final offer was sent) by including therein any other lands of the owner.

(4) Where a final offer is amended by the court under this section, the body by whom the offer was sent may make such consequential amendments in the offer as appear to them to be necessary, and the offer as amended in pursuance of this section shall be deemed to be the final offer for the purpose of any subsequent proceedings under this part of this Act.

(5) The court with respect to any applications coming before it under this part of this Act and to all questions arising thereon shall have and may exercise all the powers, rights and privileges of the Chancery Division of the High Court, and the decision of the court on any question other than one of law shall be final.

(6) There shall be an appeal to the court of appeal from any decision of the court under this section on any question of law, and the decision of the court of appeal on such question shall be final.

(7) An order of the court or the court of appeal restraining the Estates Commissioners from acquiring land under this Part of this Act shall remain in force for five years after it is made.

After Clause 64—continued.

Page 31.

(8) Rules of the Supreme Court shall provide for the forming of a rota for the purposes of this Part of this Act, and for the procedure to be adopted on the hearing by the court, and the court of appeal of applications and appeals under this section.

(9) The expression "owner" in this section means any person having power under the Land Purchase Acts to sell the estate or untenanted land.

Applications
to the Judi-
cial Commis-
sioner as to
price.

—(1) Subject to any application in the court under the last preceding section, and to the final determination of all questions arising thereon, any person interested in the estate or untenanted land who is dissatisfied with the price named in the final offer may apply, within the prescribed time and in the prescribed manner, by way of objection to the court to fix the price to be paid for the estate or untenanted land, and, subject to the provisions of this section, the price shall be fixed by the court accordingly.

(2) The court upon any application under this section, if satisfied that the price can more conveniently and properly be fixed by arbitration, may—

(a) on the request of any of the parties interested other than the Estate Commissioners and the Congested Districts Board if the question of price is the sole question in dispute; or

(b) in any other case where the parties so consent :
refer the application to an arbitrator to be appointed by the Court, and in the case of any such reference the provisions of the Common Law Procedure (Ireland) Act, 1856, as amended by any subsequent enactment, shall with the necessary modifications apply in like manner as in the case of a reference to arbitration under that Act.

(3) In fixing the price to be paid for an estate or untenanted land, regard shall be had to the fair value of the same to the owner, but no additional allowance shall be made in respect of the purchase being compulsory.

(4) The costs and expenses of and incidental to any application under this section shall be at the discretion of the Court, and the Court may, if it thinks fit, order the same to be paid by the Land Commission or the Congested Districts Board.

(13)

After Clause 64—continued.*Page 31.*

. Subject to any application to the court under this Part of this Act, and the final determination of all questions arising thereon, the price named in the final offer or fixed as the case may be under this Part of this Act shall be deemed to be the purchase money of the estate or untenanted land, and shall, within the prescribed time, be paid into the Bank of Ireland, and the purchase shall be completed and the purchase money distributed in like manner and all the like consequences shall ensue as if the estate or untenanted land had been purchased by the Land Commission or the Congested Districts Board as the case may be by agreement entered into under the Act of 1903 as amended by this Act upon the date of the payment of the purchase money into the Bank.

Completion
of purchase.

Clause 65.

BY THE LORD ATKINSON.

Page 32.

Leave out clause 65.

Clause 66.

BY THE LORD ATKINSON.

Page 33.

Leave out clause 66.

Clause 68.BY THE LORD PRIVY SEAL (*E. Crewe*).*Page 34.*

Line 16, after (" by ") insert (" the Act of 1896 and ")

Clause 69.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 35.

Line 2, leave out (" the Act of 1903 ")

Line 3, leave out (" and this Act ")

In the Schedules.

First Schedule.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 36.

Line 29, after (" land ") insert (" and in any case where the
" amount advanced is less than the purchase money ")

Line 31, after (" Treasury ") insert (" regard being had in the
" case of untenanted land to the fair annual value of the
" land to the owner ")

Second Schedule.

BY THE LORD PRIVY SEAL (*E. Crewe*).

Page 37.

Third column, line 30, after (" seventy-five ") insert (" save as
" regards sales of parcels of land purchased by the Congested
" Districts Board before the passing of this Act ")

Irish Land Bill.

ON CONSIDERATION OF THE COMMONS
REASON FOR DISAGREEING TO THE
LORDS AMENDMENTS.

*(Amendments to be moved in substitution for
the Amendments to which the Commons
disagree.)*

*[To be substituted for the list of Amendments
previously circulated.]*

16th November 1909.

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(205*b.*) +

Irish Land Bill.

ON CONSIDERATION OF THE COMMONS REASON FOR
DISAGREEING TO THE LORDS AMENDMENTS.

[NOTE.—*The references are to Bill No. (177.).*]

BY THE LORD ORANMORE AND BROWNE.

Clause 43, page 22, lines 7 to 10, leave out from (“advances”) to (“land”) and insert (“and to the fair annual value of the same to the owner, but no additional allowance shall be made in respect of the purchase being compulsory”)

BY THE EARL OF CLANWILLIAM.

Clause 63, page 30, line 3, after (“any”) insert (“congested”)
line 23, after (“the”) insert (“congested”)

Clause 64, page 30, line 28, leave out (“an”) and insert (“a congested”)

Irish Land Bill.

ON CONSIDERATION OF THE COMMONS
REASON FOR DISAGREEING TO THE
LORDS AMENDMENTS

BY
THE LORD ORANMORE AND BROWNE
AND
THE EARL OF CLANWILLIAM.

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Irish Land Bill.

ON CONSIDERATION OF THE COMMONS REASON FOR
DISAGREEING TO THE LORDS AMENDMENTS.

A M E N D M E N T S T O B E M O V E D.

[NOTE.—*The references are to Bill No. (177.).*]

BY THE LORD MACDONNELL.

Leave out clause 48, and insert the following new clauses—

.—(1) The council of any administrative county comprising a congested districts county may, at the request of the Congested Districts Board, appoint a committee for any electoral division or for any other area in the congested districts county, consisting partly of members of their own body, and partly of other persons for the purpose of obtaining such information and furnishing such suggestions as the Board may require, and of generally assisting the Board in the relief of congestion in the congested districts county.

Congested districts counties and local authorities.

(2) The Local Government Board for Ireland in consultation with the Congested Districts Board may make rules regulating the election, meetings, and procedure of the said joint committee.

. If at any time on a representation in the prescribed form from the Congested Districts Board it appears expedient to the Lord Lieutenant, acting by and with the advice of the Privy Council, to include under the provisions of section thirty-six of the Purchase of Land (Ireland) Act, 1891, an electoral division or any part thereof other than the divisions already scheduled as congested under that section, or at any time after consultation with the Board to exclude from that provision any electoral division, or part

Inclusion or exclusion of electoral districts by Lord Lieutenant as congested under provisions of 54 & 55 Vict. c. 48.

(205 d.)

thereof, which is now included, it shall be lawful for him to include or exclude, as the case may be, such division, or part thereof :

Provided that no division, or part thereof, shall be included which is not situated in an administrative county which contains a congested districts county.

Clause 49, page 25, line 6, after the first ("of") insert ("industries, fisheries")

BY THE VISCOUNT HUTCHINSON (*E. Donoughmore*).

After clause 66 insert the following new clause—

Payment to
land agent,
&c., on ac-
quisition of
land com-
pulsorily.

. In the case of the acquisition of land compulsorily, such sum as the vendor may approve and the Land Commission may sanction shall be paid out of the purchase money to the land agent of the estate on which such land is situated or to the negotiator for the purposes of the sale (if any) and the said agent or negotiator shall give the Land Commission such information as may be required by them after all questions in connection with the compulsory acquisition of the land shall have been finally determined.

BY THE LORD CLONCURRY.

Clause 67, page 33, line 11, leave out ("before the passing of
" this Act ") and insert ("after the passing of the Act of 1887 ")
line 36, leave out subsection (3).
page 34, line 2, leave out from ("enactment ") in
line 2 to the end of the clause.

Irish Land Bill.

ON CONSIDERATION OF THE COMMONS
REASON FOR DISAGREEING TO THE
LORDS AMENDMENTS.

A M E N D M E N T S
TO BE MOVED

BY

THE LORD MACDONNELL,
THE VISCOUNT HUTCHINSON
(*E. Donoughmore*),

AND

THE LORD CLONCURRY.

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(205 d.)

Irish Land Bill.

COMMONS REASON FOR DISAGREEING TO THE LORDS AMENDMENTS TO THE IRISH LAND BILL.

The Commons disagree to the Amendments made by the Lords to the Irish Land Bill for the following Reason:—

Because the Amendments are of such a nature, both in omissions from the Bill as it left the Commons and in additions thereto, as to alter completely the character of the measure.

Irish Land Bill.

COMMONS REASON
FOR DISAGREEING TO
LORDS AMENDMENTS.

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(217.)

Irish Land Bill.

COMMONS AMENDMENTS TO LORDS AMENDMENTS
AND COMMONS REASONS FOR DISAGREEING TO
CERTAIN OF THE LORDS AMENDMENTS.

[NOTE.—*The references are to Bill No. (177.).*]

Lords Amendments.

Page 8.

Line 17, leave out from (“that”) to (“they”) in line 19 and insert (“by means of the existence of arrears of rent owed
“by the tenant undue influence was exercised by the land-
“lord to induce the tenant to enter into the purchase
“agreement and the risk to the Treasury would, if the
“advance were made, be thereby unduly increased”)

Line 22, after (“with”) insert—

(2) Any person aggrieved by any order of the Land Commission under this section may, within the prescribed time and in the prescribed manner, apply to the Land Commission to refer the order to the Judicial Commissioner for consideration, and in such case the order shall not have effect unless and until it is approved by the Judicial Commissioner.

The Commons disagree to these amendments, but propose the following amendment in lieu thereof:—

Page 8, leave out clause 14.

Lords Amendment.

Page 12.

Leave out lines 1 to 4 and insert—

(1) The consent of the owner required for the purposes of subsection (4) of section six of the Act of 1903, shall cease to be required.

The Commons disagree to this amendment, but propose the following amendment in lieu thereof:—

Page 12, line 2, leave out (“ten”) and insert (“seven”)

(228.)

A

Lords Amendment.

Page 12.

Line 6, leave out (“ as so amended ”)

The Commons disagree to this amendment for the following reason :—

Because it is consequential on the amendment to Page 12, lines 1 to 4, to which the Commons have disagreed, and in lieu whereof they have inserted other words.

Lords Amendment.

Page 12.

Leave out line 17, and insert (“ more than one quarter of the
“ area of which consists of ”)

The Commons disagree to this amendment for the following reason :—

Because an estate ought to be considered as congested if the majority of the holdings upon it are congested.

Lords Amendments.

Page 12.

Lines 20 and 21, leave out (“ ten pounds ”) and insert (“ five
“ pounds ”)

Line 23, leave out (“ ten pounds ”) and insert (“ five pounds ”)

The Commons propose to amend these amendments by leaving out (“ five ”) and inserting (“ seven ”)

Lords Amendments.

Page 20.

Line 9, at the beginning of the subsection insert (“ If the
“ owner of the estate accepts such proposal or consents to
“ enter into negotiations with the Estates Commissioners ”)

Line 9, leave out (“ the Estates Commissioners ”) and insert
 (“ them ”)

The Commons disagree to these amendments, but propose the following amendment in lieu thereof :—

Page 20, line 10, after (“ any ”) insert (“ congested ”)

*Lords Amendment.**Page 22.*

Line 39, leave out (" five ") and insert (" eight ")

*The Commons propose to amend this amendment by inserting (" nine ") instead of (" eight ")**Lords Amendment.**Page 24.*Line 20, after (" county ") insert (" the four rural districts of
" Ballyvaghan, Ennistymon, Kilrush, and Killadysert in
" the county of Clare, shall together form one congested
" districts county ")*The Commons propose to amend this amendment by leaving out (" four ") and inserting (" six ") and by inserting after (" Kilrush ") the words (" Scariff, Tulla ")**Lords Amendment.**Page 30.*

Line 40, leave out (" Judicial Commissioner ") and insert (" Court ")

*The Commons disagree to this amendment for the following reason—**Because it is desirable that applications under Part IV. of the Bill should be made to the Judicial Commissioner.**Lords Amendment.**Page 31.*

After clause 64 insert the following new clauses A., B., and C.—

A.—(1) If any person interested in the estate or untenanted land objects to the acquisition of the same under this Part of this Act on the ground—

5 (a) that other land sufficient and equally suitable for the purposes for which the estate or untenanted land is proposed to be acquired is available for purchase by the Commissioners or Board, as the case may be, by voluntary agreement at a reasonable price ; or

(228.)

A 2

- (b) that the estate or untenanted land consists of or includes land in the occupation of the owner which is, or forms part of, a park, garden, pleasure ground, recreation ground, demesne, or home farm, or was purchased under the provisions of the Irish Church Act, 1869, for a sum not exceeding two thousand pounds ; or 10
- (c) that the estate or untenanted land consists of or includes land which has been purchased under the Land Purchase Acts, or is the property of a local authority, or is held by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking ; or 15 20
- (d) that if the estate or untenanted land is acquired as proposed other land of the owner adjoining the estate or untenanted land will be injuriously affected or the amenity of the owners residence will be impaired :

he may, within the prescribed time and in the prescribed manner, apply to the court for an order restraining the Estates Commissioners from acquiring the estate or untenanted land, or any specified part or parts of the same under this Part of this Act. 25

(2) The court for the purposes of this Part of this Act shall be a court constituted of the Judicial Commissioners and two Judges of the King's Bench Division of the High Court to be selected from a rota formed for the purpose. 30

(3) The court shall hear and determine all applications coming before it under this section, and may, if the justice of the case so requires, amend the final offer by excluding therefrom any part or parts of the lands therein described, or (with the consent of the owner and the body by whom the final offer was sent) by including therein any other lands of the owner. 35

(4) Where a final offer is amended by the court under this section, the body by whom the offer was sent may make such consequential amendments in the offer as appear to them to be necessary, and the offer as amended in pursuance of this section shall be deemed to be the final offer for the purpose of any subsequent proceedings under this part of this Act. 40

(5) The court with respect to any applications coming before it under this part of this Act and to all questions arising thereon shall have and may exercise all the powers, rights and privileges of the 45

Chancery Division of the High Court, and the decision of the court on any question other than one of law shall be final.

50 (6) There shall be an appeal to the court of appeal from any decision of the court under this section on any question of law, and the decision of the court of appeal on such question shall be final.

(7) An order of the court or the court of appeal restraining the Estates Commissioners from acquiring land under this Part of 55 this Act shall remain in force for five years after it is made.

(8) Rules of the Supreme Court shall provide for the forming of a rota for the purposes of this Part of this Act, and for the procedure to be adopted on the hearing by the court, and the court of appeal of applications and appeals under this section.

60 (9) The expression "owner" in this section means any person having power under the Land Purchase Acts to sell the estate or untenanted land.

B.—(1) Subject to any application in the court under the last preceding section, and to the final determination of all questions arising thereon, any person interested in the estate or untenanted land who is dissatisfied with the price named in the 5 final offer may apply, within the prescribed time and in the prescribed manner, by way of objection to the court to fix the price to be paid for the estate or untenanted land, and, subject to the provisions of this section, the price shall be fixed by the court accordingly.

Applications to the Judicial Commissioner as to price.

10 (2) The court upon any application under this section, if satisfied that the price can more conveniently and properly be fixed by arbitration, may—

(a) on the request of any of the parties interested other than the Estate Commissioners and the Congested Districts Board if the question of price is the sole question in 15 dispute; or

(b) in any other case where the parties so consent: refer the application to an arbitrator to be appointed by the Court, and in the case of any such reference the provisions of the Common 20 Law Procedure (Ireland) Act, 1856, as amended by any subsequent enactment, shall with the necessary modifications apply in like manner as in the case of a reference to arbitration under that Act.

(3) In fixing the price to be paid for an estate or untenanted land, regard shall be had to the fair value of the same to the 25 owner, but no additional allowance shall be made in respect of the purchase being compulsory.

(4) The costs and expenses of and incidental to any application under this section shall be at the discretion of the Court, and the Court may, if it thinks fit, order the same to be paid by the Land Commission or the Congested Districts Board. 30

Completion
of purchase.

C. Subject to any application to the court under this Part of this Act, and the final determination of all questions arising thereon, the price named in the final offer or fixed as the case may be under this Part of this Act shall be deemed to be the purchase money of the estate or untenanted land, and shall, within the 5 prescribed time, be paid into the Bank of Ireland, and the purchase shall be completed and the purchase money distributed in like manner and all the like consequences shall ensue as if the estate or untenanted land had been purchased by the Land Commission or the Congested Districts Board as the case may be by agreement 10 entered into under the Act of 1903 as amended by this Act upon the date of the payment of the purchase money into the Bank.

The Commons propose to amend these clauses as follows :—

In new clause A.—

*Lines 23 and 24, leave out (“ or the amenity of the owners
“ residence will be impaired ”)*

*Line 26, leave out (“ court ”) and insert (“ Judicial Com-
“ missioner ”)*

Lines 29 to 32, leave out subsection (2).

*Lines 33 and 34, leave out (“ The court shall hear and
“ determine all applications coming before it under this
“ section ”) and insert (“ The Judicial Commissioner shall
“ hear in the prescribed manner and determine all appli-
“ cations coming before him under this Part of this Act,
“ and for that purpose shall have and may exercise the
“ powers conferred on the Land Commission by subsections
“ (1), (3), and (4) of section forty-eight of the Act of
“ 1881 ”)*

*Line 39, leave out (“ court ”) and insert (“ Judicial Com-
“ missioner ”)*

Lines 45 to 49, leave out subsection (5).

*Line 51, leave out (“ court ”) and insert (“ Judicial Com-
“ missioner ”) and leave out (“ on any question of law ”)*

Line 52, leave out (“ on such question ”)

(7)

In new clause A.—

Line 53, leave out the first (“ court ”) and insert (“ Judicial Commissioner ”)

Lines 56 to 59, leave out subsection (8).

In new clause B.—

Line 1, leave out (“ court ”) and insert (“ Judicial Commissioner ”)

Line 6, leave out (“ court ”) and insert (“ Judicial Commissioner ”)

Line 9, leave out (“ court ”) and insert (“ Judicial Commissioner ”)

Lines 10 to 22, leave out subsection (2).

Line 28, leave out (“ section ”) and insert (“ Part of this Act ”) and leave out (“ court ”) and insert (“ Judicial Commissioner ”)

Line 29, leave out (“ court may, if it thinks fit ”) and insert (“ Judicial Commissioner may, if he thinks fit ”)

In new clause C.—

Line 1, leave out (“ court ”) and insert (“ Judicial Commissioner ”)

Irish Land Bill.

COMMONS AMENDMENTS TO
LORDS AMENDMENTS
AND COMMONS REASONS FOR
DISAGREEING TO CERTAIN OF THE
LORDS AMENDMENTS.

25th November 1909.

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(228.)

[9 EDW. 7.] *Irvine Harbour Order Confirmation.*

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B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1909.
Legislation Procedure (Scotland) Act 1899 relating to
Irvine Harbour.

WHEREAS His Majesty's Secretary for Scotland has made
the Provisional Order set forth in the schedule hereunto
annexed under the provisions of the Private Legislation Procedure 62 & 63 Vict.
(Scotland) Act 1899 and it is requisite that the said Order should c. 47.
5 be confirmed by Parliament :

Be it therefore enacted by the King'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 :—

- 10 **1.** The Provisional Order contained in the schedule hereunto Confirmation
annexed shall be and the same is hereby confirmed. of Order in
schedule.
- 2.** This Act may be cited as the Irvine Harbour Order Short title.
Confirmation Act 1909.

A.D. 1909.

SCHEDULE.

IRVINE HARBOUR.

Provisional Order to confer further powers on the Irvine Harbour Trustees with respect to tolls rates and charges at the harbour of Irvine and for other purposes. 5

WHEREAS the Irvine Harbour Trustees (herein-after called "the Trustees") were incorporated by the Irvine Harbour Act 1873 and by that Act the whole undertaking of the Irvine Harbour Trustees as appointed and incorporated under the Irvine Harbour Improvement Order 1867 and all the estate 10 interest powers rights and privileges of the Irvine Harbour Trustees in or over the harbour of Irvine and the lands works and property connected therewith were vested in the Trustees:

And whereas by the Irvine Burgh Act 1881 the boundaries of that burgh were extended and the councillors of the extended 15 burgh including the provost and magistrates along with the other persons mentioned in the Irvine Harbour Act 1873 are now the Trustees of the harbour:

And whereas since their incorporation in 1873 the Trustees have made extensive improvements on the harbour and the 20 property connected therewith at a cost exceeding fifty thousand pounds:

And whereas since the completion of these improvements on the harbour the traffic to and from the same in passengers goods minerals live stock and other things has considerably 25 increased:

And whereas it is expedient that further powers should be conferred upon the Trustees with respect to tolls rates and charges and the other matters referred to in this Order and that the provisions of the Irvine Harbour Act 1873 should be amended 30 as in this Order provided:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899: 35

[9 EDW. 7.] *Irvine Harbour Order Confirmation.*

3

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

A.D. 1909.

1. This Order may be cited as the Irvine Harbour Order 1909 and the Irvine Harbour Act 1873 and this Order may be cited together as the Irvine Harbour Acts 1873 and 1909.

Short title.

2. The Harbours Docks and Piers Clauses Act 1847 (except where expressly varied by this Order and except sections twelve thirteen sixteen to nineteen twenty-five and twenty-six) is incorporated with and forms part of this Order and the expression "the special Act" used in the sections so incorporated shall include this Order. Provided always that notwithstanding the exception of sections sixteen to nineteen of the said Act with respect to lifeboats and with respect to keeping a tide and weather gauge those sections shall be applicable and shall apply to the Trustees if at any time the Board of Trade so require in writing.

Incorporation of Harbours Docks and Piers Clauses Act 1847.

3. In this Order unless there be something in the subject or context repugnant to such construction the words and expressions defined in the Harbour Acts and any Acts incorporated with those Acts shall have the meanings thereby assigned to them and in this Order:—

Interpretation.

"The Trustees" means the Irvine Harbour Trustees as constituted at the commencement of this Order;

"The Act of 1873" means the Irvine Harbour Act 1873;

25 "The Harbour Acts" means the Act of 1873 as amended by this Order the Irvine Burgh Act 1881 and the Glasgow and South Western Railway Act 1901 so far as the said two last-mentioned Acts apply to the harbour of Irvine;

30 "The harbour" means the harbour of Irvine in the county of Ayr as defined in the Act of 1873 and the works appertaining thereto.

4. Section 32 (Rates on vessels as in Schedule (A)) and Schedule (A) section 33 (Rates on goods as in Schedule (B)) and Schedule (B) section 34 (Rates for sheds and cranes as in Schedule (C)) and Schedule (C) of the Act of 1873 are hereby repealed. Provided always that the rates by this Order authorised shall for all purposes come in lieu of the rates authorised by the said sections of the Act of 1873. Nothing in this section shall prejudice or affect anything done or any action suit claim or

Repeal of provisions of Act of 1873 as to rates &c.

- A.D. 1909. — demand at the instance of or against the Trustees arising under any of the provisions of the Act of 1873 so far as repealed but the same shall remain of full force and effect notwithstanding such repeal.
- Rates on persons and luggage &c. 5. The Trustees may demand and take for every person who shall land from or embark on any vessel at the harbour and in respect of passengers' luggage motor vehicles and bicycles tricycles or other vehicles transhipped within the harbour or landed shipped unshipped received or delivered thereat and for vehicles of all descriptions coming upon or using the harbour any rates not exceeding the several rates and sums specified in the First Schedule to this Order. 10
- Rates on vessels. 6.—(A) The Trustees may subject to the provisions of this Order demand take and receive in respect of vessels entering using or frequenting the harbour any rates not exceeding the several rates and sums specified in the Second Schedule to this Order and every such rate shall be paid by the master or owner of the vessel. 15
- (B) In the case of steamers and other vessels trading to and from or frequently using the harbour the Trustees may agree to charge such annual or other sum as they may think reasonable by way of compounding for the rates or sums payable in respect of such vessel but so that no preference be in any case given to any person. 20
- Vessels not to depart until rates paid. 7. No vessel shall leave the harbour until a certificate from the Trustees or some officer authorised by them of the payment of all rates and charges payable to them in respect of such vessel and the cargo therein shall have been produced to and left with the Trustees or some officer authorised by them and if any vessel liable to such rates and charges shall depart from the harbour without the production and leaving of such certificate as aforesaid the owner of such vessel shall be liable to the payment by way of damages to the Trustees of a sum not more than twice the amount of the rates and charges which should have been paid and in addition thereto the master of such vessel shall be liable to a penalty not exceeding twenty pounds. 25 30 35
- Trustees to refuse entry when previous rates on vessels are 8. While any rates and charges remain unpaid in respect of any vessel or any animals minerals goods articles or things (excluding passengers' luggage) at the time being or previously aboard and liable thereto the Trustees shall not receive any further 40

or other entry in respect of such vessel and the Trustees may cause such vessel to be detained until all such rates and charges have been paid.

A.D. 1909.
unpaid and
vessels may
be detained.

9. The Trustees may demand take and receive in respect of the shipment unshipment transshipment reception or delivery within the harbour of any goods minerals animals articles and things (herein-after referred to as "goods or animals") any rates or charges not exceeding those respectively specified in the Third Schedule to this Order and every such rate or charge shall be paid by the owner or consignee of such goods or animals.

Rates on
goods and
animals.

10. No vessel shall except with the previous consent in writing of the Trustees under the hand of the harbour-master or other duly authorised officer of the Trustees land or embark receive or deliver passengers or ship unship tranship receive or deliver goods or animals within the harbour except at or upon such place or some one of such places as shall from time to time be appointed in that behalf by the Trustees in accordance with byelaws to be made under the provisions of the Harbours Docks and Piers Clauses Act 1847 or this Order and any person knowingly committing or wilfully permitting a breach of this enactment shall be liable for every such offence to a penalty not exceeding fifty pounds and to a further penalty not exceeding five pounds for every hour such breach shall continue.

Passengers
and cargo to
be landed
&c. at
appointed
places only.

11. The Trustees may erect or provide such warehouses buildings and sheds as they may think necessary for warehousing storing and preserving goods or animals shipped or unshipped received or delivered at or within the harbour and may warehouse store and preserve the same and may charge in respect of such warehousing storage and preservation any rates not exceeding those specified in the Fourth Schedule to this Order Provided that the rates in this section mentioned shall not be deemed to apply to transit sheds.

Rates for
warehouses
&c.

12. The Trustees may require that any goods or animals shall previously to being warehoused be weighed by weighers and recorders appointed by the Trustees and they shall be entitled to make such reasonable charges in respect of such weighing as the Trustees may from time to time fix.

Goods &c.
warehoused
to be
previously
weighed.

13. The Trustees may levy for and in respect of the use of cranes and hoists at the harbour any rates not exceeding those specified in the Fifth Schedule to this Order and for weighing and for the use of machinery any rates not exceeding those

Rates for
cranes and
hoists
weighing
and
machinery.

A.D. 1909. — respectively specified in the Sixth Schedule to this Order and all such rates shall be paid by the owners or persons in charge of the goods or animals lifted or weighed or by the owner agent master or other person in charge of the vessels using the said cranes or machinery or requiring the services specified in the 5 said Fifth and Sixth Schedules.

Ballasting
and ballast
rates.

14—(A) All ballast to be discharged or removed from or put into any vessel within the harbour and all services in relation to the stowing and trimming thereof shall if and when the Trustees so determine be discharged or removed or performed by the 10 Trustees and they may charge in respect thereof any rates not exceeding those specified in the Seventh Schedule to this Order and such charges shall be recoverable by the Trustees as other rates in respect of vessels are by this Order recoverable.

(B) No person other than the Trustees shall supply ballast 15 to any vessel within the harbour unless with the permission of the Trustees and all ballast removed to or discharged upon any of the premises of the Trustees shall be and become their absolute property.

Charges for
goods &c.
left in
harbour.

15. The Trustees may in respect of any goods or animals which 20 shall remain upon any part of the harbour for a longer period than shall be allowed by the byelaws and regulations of the Trustees for the time being in force charge for every twenty-four hours or part thereof during which any such goods or animals shall so remain without the consent of the harbour-master an 25 additional sum not exceeding the rates and charges leviable or levied under the provisions of this Order in respect of such goods or animals and any sum so chargeable may be recovered from the owner of such goods or animals in like manner as such rates and charges are recoverable Provided that such charges shall be 30 made equally to all persons in respect of all goods or animals falling within the same class or description and subject to the like rates and charges in the like circumstances.

Loading and
discharging
vessels and
handling
cargo at
harbour.

16. The Trustees shall have the exclusive right to load and discharge at the harbour and to perform all services with respect 35 to goods or animals shipped transhipped unshipped or warehoused or deposited at the harbour or they may authorise license or permit others on such conditions and for such period as they deem proper to load and discharge such vessels or to perform such services and the Trustees may provide all such trucks plant gear machinery 40

and appliances and labour as may be necessary to effect or be convenient in relation to the purposes aforesaid. A.D. 1909.

17. The Trustees may demand and take in respect of any use of the harbour or any lands works or appliances connected there-
 5 with and of any power material matter or thing supplied by them under the Harbour Acts and this Order or of any goods or animals shipped unshipped transhipped received or delivered within or vehicle using the harbour whereon rates are not under
 10 this Order specifically chargeable and for any services rendered by them in respect of the shipping transhipping unshipping stowing unstowing landing relanding housing unhousing handling weighing coopering packing repairing cording tying marking num-
 15 bering labelling lettering sorting lotting tareing filling sewing bagging sampling piling unpling watching loading unloading trucking untrucking hauling protecting delivering and repairing goods or animals at the harbour and for preparing and furnishing certificates of weight and for any other service with respect to
 20 goods or animals shipped transhipped unshipped warehoused or deposited by the Trustees for which rates or charges are not specifically fixed by this Order such reasonable sums as they think fit or as may be agreed upon between the Trustees and the person desiring to avail himself of such use of the harbour or of the lands works or appliances connected therewith or of the provision by the Trustees of such power material matter or thing
 25 or of any such services and the Trustees may render all and any services when and how they think proper Provided that such charges shall at all times be made equally to all persons in respect of the same description of services and accommodations.

Charges not specifically prescribed.

18.—(A) The Trustees may set apart and appropriate to or
 30 for the exclusive use or accommodation of any particular trade person traffic or vessel or class of vessels any lands or any part or parts of the harbour or the whole or any part of any of the piers or of any warehouses sheds quay-space or other facilities connected therewith and in addition to the other rates they are
 35 authorised to demand and take they may for such exclusive appropriation or use demand and take such reasonable charges and make such regulations as they from time to time think fit.

Power to Trustees to set apart and appropriate berths &c.

(B) No person or vessel shall make use of any lands part or parts of the harbour or the whole or part of any of the piers or
 40 of any warehouses sheds quay-space or other facilities so set apart or appropriated without the consent of the Trustees.

A.D. 1909. (c) Any person knowingly offending against the enactment contained in this section shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding ten pounds for every day during any part of which such offence shall continue after notice not to use such berth and the harbour-master 5 may order such person and any such vessel to be removed and the provisions of section 58 of the Harbours Docks and Piers Clauses Act 1847 shall extend and apply mutatis mutandis to and in relation to any such vessel.

Power to Trustees to remit rates. 19. The Trustees if and when they think fit may remit or 10 return the whole or any part of any rates or charges in respect of any vessel or goods or animals shown to their satisfaction to have been wrecked spoiled or damaged and may remit or return the whole or any part of any rates under any other circumstances which in their judgment make the remission or return reasonable 15 and just so as the claim for the remission or return be made and substantiated to the satisfaction of the Trustees within such time as under the circumstances they deem reasonable Provided that such remission or return shall be at all times made equally to all persons in respect of all vessels and all goods or animals 20 falling within the same class or description and subject to the like rates and charges and in the like circumstances.

Power to Trustees to exempt from rates and charges. 20. The Trustees may from time to time confer exemption from such portion as they think fit of any rates and charges payable under this Order Provided that every such exemption 25 shall be made equally to all persons in respect of all vessels and all goods or animals falling within the same class or description and subject to the same rates and charges and in the like circumstances.

When rates &c. to be paid. 21. All rents rates and charges payable to the Trustees 30 under this Order shall be payable and paid in such manner at such time or at such intervals as the case may be and to such person or persons as the Trustees may from time to time direct.

Authorising deposit on account of rates. 22. The Trustees may receive by way of deposit and on account of the rates and charges to which any vessel person 35 goods or animals may be liable such a sum of money as shall in their opinion be sufficient to cover the amount thereof.

Power to Trustees to provide and declare transit sheds. 23. With the consent and subject to the regulations of the Commissioners of Customs and Excise the Trustees may provide or adapt at the harbour or on lands connected therewith transit sheds 40

for the reception of goods on such plan and of such dimensions as the Commissioners of Customs and Excise may approve. Such transit sheds shall be part of the harbour and subject to the approval of the Commissioners of Customs and Excise the Trustees
 5 may from time to time repair renew alter discontinue or remove them and may keep the same provided with all requisite apparatus and conveniences for weighing and measuring goods and may demand and take for the use of such sheds apparatus and conveniences such reasonable rents and charges as they may from
 10 time to time fix.

A.D. 1909.

24.—(A) The master or owner of or the agent for any vessel lying at or in and using the harbour or the owner of any of the cargo of such vessel may with the permission of the Trustees or the superintendent of the transit sheds and subject to such
 15 regulations as the Commissioners of Customs and Excise may deem necessary for the security of the revenue cause such goods or any part thereof upon giving due notice to the proper officer of customs and excise to be landed (if need be) and deposited in such transit sheds without previously making any entry
 20 thereof.

Deposit of goods in transit sheds.

(B) Goods so landed and deposited in such transit sheds shall for all purposes be considered as still on board the vessel from whence the same shall have been landed and shall be removable only from such transit sheds in the same manner and by the
 25 same process in all respects as the same might by law have been removed from such vessel in case the same were still actually on board thereof.

(C) Nothing in this section contained shall affect or limit the rights or obligations of the said master agent or owner of
 30 the said vessel or the owner of the goods under the contract made for the carriage thereof with respect to the mode time or place of delivery or landing thereof.

25. If the cargo of any vessel at or in or using the harbour shall not be duly entered with the customs the Trustees may on
 35 the requisition of the shipmaster or shipowner or of the agent of such shipmaster or shipowner or without such requisition if and when the despatch of business is hindered by reason of such cargo not being so entered cause an entry to be made of such cargo or of so much thereof as shall not have been entered as
 40 aforesaid (such cargo being such as by law may be imported) and may in due course land such cargo and warehouse or other-

Trustees may enter goods if not entered by owner or consignee.

A.D. 1909. wise take charge of the same and the Trustees may likewise warehouse any goods or animals left at the harbour or the lands or works connected therewith so as in the opinion of the Trustees to hinder the despatch of business.

Power to Trustees to charge for service and to detain &c.

26. The Trustees may make reasonable charges for work and labour done by them in relation to any goods or animals which they enter or warehouse as aforesaid and may retain such goods or animals as security for the payment of the customs duties and of the Trustees' charges and the Trustees may if they think fit also detain the same for rent freight lien or other charges claimed in respect thereof in case they have notice in writing to do so Provided that such charges shall be made equally to all persons in respect of all similar goods or animals in the like circumstances.

Power to appoint superintendent and interim superintendent of warehouses and transit sheds.

27.—(A) The Trustees may from time to time appoint a superintendent of the warehouses and a superintendent of the transit sheds who shall respectively take the charge and management of the same respectively on behalf and under the direction of the Trustees and all notices or other documents which are hereby required to be given to the Trustees with respect to the transit sheds or warehouses or the business connected therewith respectively if addressed to the Trustees and left at the place of business of the proper superintendent during the usual business hours shall be deemed to be given to the Trustees.

(B) The Trustees also may from time to time appoint an interim superintendent to act in place of the superintendent in case of his absence.

(C) The Trustees may appoint the same person to be superintendent and interim superintendent of the warehouses and of the transit sheds.

Power to appoint weighers and recorders of weights and others and to pay salaries and wages.

28. The Trustees may from time to time appoint license and employ weighers and recorders of weights and may pay such salaries and wages to the superintendents and interim superintendents and such remuneration to the said weighers and recorders of weights as to the Trustees shall seem proper and they may also from time to time fix the remuneration to be paid to such persons when and if employed by persons other than the Trustees Provided that the remuneration to be paid by persons other than the Trustees shall be the same in the case of all persons having similar goods or animals weighed in the like circumstances.

29. The provisions of the Harbours Docks and Piers Clauses Act 1847 as to providing huts and weighing materials for the officers of the revenue and imposing penalties for not providing the same and for allowing the same to fall into disrepair shall
 5 apply to the transit sheds and warehouses erected or adapted or acquired by the Trustees under the provisions of this Order.

A.D. 1909.
 Provision as to huts &c. for revenue officers.

30. Subject to the provisions of any Act for the time being in force and the regulations of the Commissioners of Customs and Excise with respect to approval and otherwise in relation
 10 to transit sheds and warehouses the Trustees may at their discretion use as a customs or excise warehouse or transit shed any warehouse belonging to or leased by them or any part of such warehouse.

Warehouses to be used as Customs or Excise warehouses.

31.—(A) In case default shall be made in payment of any
 15 rents or charges in respect of goods or animals it shall be lawful for the Trustees first paying the Customs and Excise duties (if any) to retain and with the authority of the sheriff of the county of Ayr applied for and obtained by them to sell the goods or animals or any part thereof and after retaining the
 20 amount of such duties to retain and pay in the first place the rents and charges so unpaid as aforesaid including the expenses of detention and sale and all other expenses to which the Trustees have been put in respect of such goods or animals and in the next place the freight due thereon (in case the Trustees
 25 shall have received notice that such freight has not been paid) paying the surplus (if any) and also delivering such of the said goods or animals as shall remain unsold (the rents charges and expenses due in respect thereof having been discharged as aforesaid) to the person entitled thereto upon demand.

Trustees may sell goods &c. for payment of rent and charges or may bring action.

30 (B) The Trustees may either in lieu of selling such goods or animals or notwithstanding such sale if the produce of such sale shall be insufficient recover the amount of such rents charges and expenses or the balance thereof as the case may be which shall be due to them by action or claim to be brought or made
 35 in any court of competent jurisdiction.

(c) Where a notice in writing to detain goods shall have been given to the Trustees in terms of the section of this Order whereof the marginal note is "Notice may be given to Trustees
 40 the provisions of that section and the other sections of this (175.)

A.D. 1909. Order in further relation to the matters dealt with in that section shall apply to the sale of such goods by the Trustees.

Restrictions as to time of sale by Trustees for recovery of charges.

32. The Trustees shall not (subject to the provisions of the section of this Order of which the marginal note is "Sale of animals and perishable goods for rents charges &c.") sell any goods under the provisions of the immediately preceding section of this Order until the expiration of six months after the time at which the goods are unshipped or delivered upon at or into the harbour. 5

Sale of animals and perishable goods for rents charges &c.

33. Notwithstanding anything in this Order contained the Trustees may if they think fit sell any goods of a perishable nature deposited and lodged with them at any time when in their judgment the goods would be materially lessened in value by being further retained by them and may sell at any time any animals so deposited and lodged with them in respect whereof default has been made of payment of any rents or charges or freight due thereon and whether or not they have notice to detain such goods or animals Provided always that in no case shall any goods whatever liable to a duty of customs or excise be sold unless payment shall have been first made of the duty payable thereon. 10 15 20

Application of proceeds of sale of animals or perishable goods for rents charges &c.

34. When the Trustees so sell any such animals or perishable goods they shall apply the proceeds of the sale in payment of the rates rents and charges due and payable to the Trustees in respect thereof and the expenses of the sale and freight due thereon rendering on demand the surplus (if any) of the proceeds and the unsold animals or goods (if any) to the person entitled thereto. 25

Trustees may give certificates of deposited goods and warrants for delivery of goods.

35. With respect to the giving of certificates and warrants by the Trustees for the delivery of goods minerals articles and things (and if the Trustees think fit of animals which shall in that event for the purposes of this section and the other sections of this Order relating to such certificates and warrants be deemed to be goods) the following provisions shall apply and have effect : 30

The Trustees at the request of any person warehousing or depositing any goods in any transit shed or warehouse or upon or in any part of the harbour wharves sheds or yards of the Trustees specially appropriated for the purpose or entitled to any goods so warehoused or deposited may if the Trustees think fit issue and deliver to him a certificate of such goods having been 35 40

so warehoused or deposited or a warrant for the delivery of the same or any part thereof and such goods or such part thereof shall be respectively specified in the certificate or warrant and the Trustees may charge for each certificate or warrant any sum not exceeding two shillings.

A.D. 1909.

36. Every such certificate or warrant shall be deemed to be a document of title to the goods specified therein and shall be transferable by indorsement and any holder of such certificate or warrant whether the person named therein or the indorsee thereof shall have the same right to the possession and property of such goods as if they were deposited in his own warehouse.

Effect of certificate or warrant.

37. Every such certificate or warrant shall state on the face thereof the effect of the immediately preceding section of this Order and that it is issued under the powers of this Order.

Effect to be stated on face of certificate or warrant.

38. Before a warrant for the delivery of all or any goods specified in a certificate is issued by the Trustees the certificate shall be delivered to them to be cancelled. Provided that if the warrant be for the delivery of part only of the goods the Trustees shall issue to the person delivering up the certificate a new certificate with respect to the goods not specified in the warrant.

Certificate of deposit of goods to be cancelled before issue of warrant for delivery.

39. No such certificate or warrant shall be given unless and until all liens and claims for freight and all other liens or claims whatsoever to which the goods were liable while on board any vessel and before the warehousing or depositing of the same and of which the Trustees have had notice in writing and all rates charges and expenses payable to the Trustees with respect to the warehousing or depositing of the goods or for services performed by the Trustees in respect thereof are paid or discharged.

Certificate or warrant not to be given till freight rates &c. paid.

40. All certificates delivery warrants transfer certificates and other documents relating to goods in the custody of the Trustees or to the management of the business of the harbour being signed and issued by any officer duly authorised in that behalf shall be effectual in law and binding on the Trustees and all other parties interested without any other signature and without any seal.

Warrants &c. signed by duly authorised officers sufficient.

41. All goods warehoused by the Trustees or deposited in any of their transit sheds or warehouses by any person having or claiming an interest in such goods or by the owner or master of the vessel out of which the same may have been warehoused

Goods warehoused to remain subject to freight.

A.D. 1909. or by any person interested in the freight of such vessel or
 entitled to or claiming the benefit of any other claim or lien
 whatsoever to which the goods were subject while the same were
 on board and before the warehousing thereof shall continue liable
 to such and the same claim or lien for freight and also to all 5
 other claims or liens whatsoever in favour of the owner or
 master of such vessel or of any other person interested in such
 goods or in the freight of such vessel or entitled to or claiming
 the benefit of any other claim or lien thereon as such goods
 were liable to whilst the same were on board such vessel and 10
 before the warehousing thereof Provided that nothing in this
 section shall extend to prohibit the Trustees from exercising the
 powers of the section of this Order whereof the marginal note
 is "Trustees may sell goods &c. for payment of rent and charges
 or may bring action" unless notice to detain such goods shall 15
 have been given to the Trustees as in this Order provided in
 which event the provisions of this Order in relation to such
 notice and the power of the Trustees thereafter to sell such
 goods shall have effect.

Notice may
 be given to
 Trustees to
 detain goods
 until freight
 &c. be
 satisfied or
 deposit
 made.

42. If notice in writing to detain goods other than perish- 20
 able goods shall be given to the Trustees by such owner or
 master or other person interested as aforesaid previously to the
 warehousing thereof being completed the Trustees shall detain
 and keep such goods in their sheds and warehouses until such
 freight or other claims or liens together with all rates rents and 25
 charges to which the same shall have become subject or liable
 shall be paid or until such rates rents and charges shall be paid
 and a deposit equal in amount to the demand made by the owner
 or master of the vessel or other person interested as aforesaid
 for or on account of any such freight or other claim or lien as 30
 aforesaid shall have been made which deposit the Trustees shall
 receive and hold in trust until the amount due in respect of
 such freight or other claim or lien shall have been tendered or
 satisfied when upon proof thereof being given to the Trustees
 to their satisfaction such deposit shall be returned upon demand 35
 to the person by whom the same was made or to his executors
 administrators or assignees.

Deposit to
 be considered
 as made in
 payment of
 claim.

43. Such deposit shall be considered as made in payment
 of the freight or other claim or lien in respect of which such
 deposit shall have been made and the Trustees on the expiration 40
 of ten days next after such deposit shall have been made and in
 case notice in writing to retain the amount of such deposit shall

not in the meantime have been given to the Trustees by some person claiming to be entitled to such goods shall out of the said deposit after deducting all expenses (if any) incurred by the Trustees in respect thereof pay to the master or owner of the vessel from which such goods shall have been warehoused or other person entitled to or interested in such freight or other claim or lien the amount of his freight or other claim or lien and the payment so made by the Trustees shall release and discharge them from all claims and demands whatsoever in respect of so much of such deposit as they shall have paid to such master owner or other person interested as aforesaid.

A.D. 1909.

44. Such notice to the Trustees to retain the amount of any such deposit as aforesaid shall not continue to operate or have effect for a longer period than thirty days from the giving of the same unless some action claim suit or other proceeding for determining the title or liability to the freight or other claim or lien in respect of which such deposit shall have been made or the right to or the ownership of such deposit shall in the meantime be actually commenced and notice in writing thereof given to the Trustees.

Notice to have effect for thirty days only unless action &c. be brought.

45. If such deposit shall not be made within ninety days next after any such goods shall have been warehoused and in case notice to detain such goods shall have been given as aforesaid the Trustees may after the payment of duty (if any) payable to the Commissioners of Customs and Excise sell all or any part of such goods and out of the proceeds thereof retain the amount of the duties so paid and also retain and pay the rents rates and charges payable to the Trustees and the expenses of such sale and all other expenses to which in respect of such goods the Trustees have been put and in the next place may pay the freight and other claims or liens to which such goods may be liable paying the overplus (if any) to the person entitled thereto on demand.

Power of sale if deposit be not made.

46. No such sale shall be made by the Trustees until ten days' previous notice in writing of such freight or other claim or lien thereon as aforesaid and of the intention to sell the said goods for satisfaction thereof shall have been given to the owner thereof if his name and residence or place of business are known to the Trustees by sending such notice in a registered letter by post to such residence or place of business and if the name and address of such owner shall not be known then until ten days after such notice shall have been inserted once in some newspaper

Power of sale only to be exercised after notice.

A.D. 1909. published in London or Glasgow as the Trustees think fit and one or more newspapers published in the county of Ayr and the Trustees shall not sell a greater portion of such goods than shall in their judgment be sufficient to cover the amount of the said duties rents charges and expenses and of such freight or other claim 5 or lien as aforesaid.

Notice to detain goods must be given. 47. Notice to detain goods for payment of freight or any other claims or liens to which such goods were liable whilst on board any vessel and before the warehousing thereof shall not be effectual unless the same shall be given to the Trustees before 10 the warehousing thereof shall have been completed.

Preserving rights of parties at common law. 48. Nothing in this Order contained shall be held to take away limit prejudice or affect any power of the shipmaster or shipowner or other party having claims and liens for freight dead-freight demurrage salvage average or other charges in 15 respect of or relating to goods imported into or unshipped at the harbour to enforce and secure such claims and liens in conformity with the contract express or implied under which such claims and liens arise Provided that the Trustees shall not be in any manner responsible for or affected by the invalidity 20 of any such alleged claim or lien.

Transfer of goods in sheds detained for freight. 49. The Trustees may (but only with the consent of the collector of customs and excise when such consent is requisite) transfer from any shed or warehouse to any other shed or warehouse any goods deposited in such first-mentioned shed or 25 warehouse and detained therein for payment of freight.

Freight not to be affected by removal. 50. No removal of goods from any shed or warehouse of the Trustees to any other shed or warehouse of the Trustees shall prejudicially affect any lien for freight attaching to such goods.

Power for Trustees to insure against fire. 51. The Trustees may if they think fit insure from loss or 30 damage by fire their sheds and warehouses and the contents thereof and all property of every description belonging to them at the harbour or any of them but they shall not be under any obligation to do so.

Trustees not to be liable for loss by fire &c. 52. The Trustees shall not under any circumstances or in 35 any case whatsoever be answerable or accountable for or be liable to make good any loss or damage which may happen to any goods or animals or to any vessel or to any property of any description by fire theft storm tempest floods or vermin or from

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any civil commotion or by the Act of the King's enemies or other inevitable accident or from any other cause not arising directly from the default or neglect of the Trustees their officers or servants. A.D. 1909.

5 53. For the purpose of providing transit sheds and ware-
houses (whether free or bonded) the Trustees may exercise the
following powers and the following provisions shall have effect
(that is to say):— Lands &c.
for transit
sheds and
warehouses.

- 10 (1) They may by agreement purchase or take by way of
exchange or on lease or hire any lands warehouses or
buildings :
- 15 (2) They may on any lands for the time being belonging to
them erect fit up and maintain transit and other sheds
and warehouses with all necessary conveniences and
appliances :
- (3) They may sell let on lease or otherwise dispose of any
such lands for the erection thereon by any person or
company of such sheds and warehouses :
- 20 (4) They may hold use or let such sheds and warehouses
and may appropriate them or any of them to and for
the use of certain trades persons or companies for
such periods and at such rents or for such other pay-
ments and upon such terms and conditions as may be
agreed on between the contracting parties :
- 25 (5) They may enter into and fulfil contracts and agreements
with any other person or company for and in relation
to the exercise of the powers of this section either
by the Trustees alone or jointly with any such other
person or company :
- 30 (6) They may with the consent and subject to the regulations
of the Commissioners of Customs and Excise make all
such usual and proper provisions and regulations as
they think fit with respect to the management and
user of the transit sheds and warehouses and the
security of the goods therein :
- 35 (7) All transit sheds and bonded warehouses shall be erected
or provided only with the consent and subject to the
regulations of the Commissioners of Customs and
Excise.

A.D. 1909.
Additional
byelaws.

54.—(1) In addition to the powers of making byelaws contained in any other enactment enabling the Trustees to make byelaws they may from time to time subject to the provisions of this Order make such byelaws as they think fit for all or any of the following purposes (that is to say):— 5

For preventing any part of the harbour or lands of the Trustees connected therewith specially appropriated by the Trustees for any particular trade business or purpose being used for any other purpose so as to prevent or interfere with its use for the purpose for which it is so appropriated; 10

For preventing and removing obstructions or impediments at in or alongside the harbour and lands of the Trustees connected therewith and the channels roads and accesses thereto respectively; 15

For regulating the use of and the moving of carriages waggons and trucks within or on the harbour and lands of the Trustees connected therewith and the rails sidings and turntables of the Trustees thereon;

For preventing injury to and protecting the harbour and the works and lands of the Trustees connected therewith and property thereon or within the harbour; 20

For regulating the towing of vessels into out of or within the harbour the size and number of vessels to be towed in one train or by one or more tugboats the speed at which tugboats or other towing power shall proceed (whether towing or not) the order and manner in which the towage shall be given and the duties and conduct of all persons employed in or upon tugboats or other towing power; 25 30

For regulating the using of the buoys of the Trustees;

For preventing nuisance or annoyance by smoke and noise caused by vessels and the machinery and appliances thereof;

For the prevention of cruelty in the shipping transshipping unshipping landing and removal of animals; 35

For regulating the ballasting of vessels within the harbour and the order and manner in which they shall be supplied with ballast and the discharging and removal or disposal of ballast; 40

For preventing the exhibiting or placing in or on the harbour or any of the piers or works or lands of the Trustees connected therewith of any goods for sale other than such goods as the Trustees from time to time think fit to be permitted to be sold there and other than perishable articles landed on the piers and works or lands connected therewith and sold within forty-eight hours of their being landed;

For preventing the smoking lighting or burning of tobacco or any herb or substance whatsoever in any vessel lying alongside or within one hundred yards of any of the piers or quays.

(2) Such byelaws (except as far as they relate solely to the Trustees or their officers or servants) shall be subject to the provisions with respect to byelaws of the Harbours Docks and Piers Clauses Act 1847 (except section 85 of that Act) but no such byelaws shall have any force or effect unless and until the same be confirmed by the Board of Trade and no byelaws relating to transit sheds or bonded warehouses shall have any force or effect unless and until they shall have been sanctioned by the Commissioners of Customs and Excise and then only so long as such sanction shall continue.

(3) Any person who offends against any such byelaw shall be liable for every offence to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings for every day such offence shall continue after conviction thereof and such penalties shall be in addition to any damages which may be recoverable by the Trustees or by any other person or company for any loss or injury to them or him or to their or his property consequent on such offence.

55. The Trustees may in connexion with and for the purposes of the harbour enter into and carry into effect contracts and agreements with any companies shipowners and owners of vessels and other persons with reference to the use of the harbour or warehouses or other accommodation thereat the receiving forwarding and conveyance of passengers goods or animals and traffic of all kinds to from or via the harbour and the granting of through rates through bookings and other facilities but so that no preference be in any case given to any body or person.

Power to
enter into
agreements
with com-
panies &c.

A.D. 1909.
 Vessels
 laying up.

56.—(1) (A) No vessel other than the vessels mentioned in subsection (2) of this section shall enter the harbour for the purpose of laying up or shall remain therein for any purpose for more than one month at any one time unless with the consent of the Trustees in writing. 5

(B) If any vessel other than the vessels mentioned in subsection (2) of this section remains in the harbour and docks beyond one month the Trustees may demand and take such reasonable rates (not exceeding the rates in that behalf specified in the Second Schedule to this Order) for such vessel remaining 10 after the expiry of the said one month as they shall fix and may also impose such other reasonable terms and conditions as they think fit for such vessel laying up.

(2) (A) Any vessel entering the harbour which has paid in the aggregate not less than one shilling and eightpence per ton 15 during the six months immediately preceding the date on which such vessel enters the harbour may enter the harbour for the purpose of laying up and may remain therein for a period not exceeding one month from such date.

(B) If any such vessel lays up or remains in the harbour 20 beyond such month the Trustees may charge a rate not exceeding one penny per ton for every week or part of a week such vessel is allowed by the Trustees to lay up or remain in the harbour beyond such month.

(3) If any vessel shall remain in the harbour after the 25 expiration of such month without having paid the rates in this section mentioned or shall infringe any of the terms and conditions imposed by the Trustees the Trustees may order the removal of such vessel or they may themselves remove and may moor or lay up such vessel at any place outside the harbour at the expense 30 of the owner thereof.

Power to
 remove
 wrecks.

57.—(A) The Trustees may raise and remove or if necessary destroy and take away any wrecks of vessels or sunken vessels or other obstruction in the harbour and the expense of removing any such wrecks or sunken vessels or obstruction shall be repaid 35 by the master or owner of the same.

(B) The Trustees may detain such wreck or vessel or obstruction in security of such expense and on non-payment of such expense on demand may (subject to such notice being given

of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894) sell the same and out of the proceeds of such sale may pay the expense incurred in raising removing or destroying or taking away such
 5 wreck or vessel or obstruction and the charges of detention and sale rendering the overplus if any to the person entitled to the same.

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(c) If from such proceeds a sufficient sum to pay such expense shall not be obtained the deficiency shall be recoverable
 10 from the owner of such wreck or vessel or obstruction in the same manner as damages or expenses are by the Harbours Docks and Piers Clauses Act 1847 authorised to be recovered.

(d) For the purpose of giving effect to and in furtherance of the powers conferred on the Trustees and their harbour-master
 15 by sections 56 and 57 of the Harbours Docks and Piers Clauses Act 1847 and by the Merchant Shipping Act 1894 and this Order the words "expense" and "expenses and charges" in those sections and that Act respectively shall include all expenses incurred by the Trustees in lighting watching detaining advertising
 20 marking buoys raising destroying removing breaking up taking away or selling any wreck vessel cargo goods obstruction or floating timber sunk stranded or abandoned within the harbour or otherwise for any purpose in respect of the same and also all expenses incurred by the Trustees or their harbour-master under
 25 section 57 of the Harbours Docks and Piers Clauses Act 1847 and section 530 of the Merchant Shipping Act 1894 and the word "owner" shall include the owner of the wreck vessel cargo goods obstruction or floating timber at the time when the same shall first impede the navigation of the said harbour and also
 30 the owner of the same at any time thereafter.

58. The borrowing powers conferred by the Act of 1873 are hereby limited to the sum of one hundred thousand pounds over and above the amount to which the said powers have been already exercised.

Limitation
of borrowing
under Act of
1873.

35 59. Section 45 of the Act of 1873 (Appointment of auditor) is hereby amended to the effect that the properly qualified person appointed as auditor under that section shall be a professional accountant and shall be appointed annually.

Qualification
of auditor.

40 60. The Harbour Acts in so far as applicable shall apply to the purposes of this Order.

Application
of Harbour
Acts.

- A.D. 1909. 61. The Trustees shall within one month after their accounts
 Yearly accounts of Trustees to be sent to Board of Trade. in abstract for the year ending the fifteenth August in each year
 have been submitted to the annual meeting of the Trustees send
 a copy of such accounts to the Board of Trade If the Trustees
 refuse or neglect to comply with this provision they shall for 5
 every such refusal or neglect be liable to a penalty not exceeding
 twenty pounds.
- Annual re-
 turn to Board
 of Trade
 with respect
 to sinking
 fund. 62. The clerk to the Trustees shall within twenty-one days
 after the expiration of each year during which any sum is 10
 required to be set apart for a sinking fund under section 43 of
 the Act of 1873 transmit to the Board of Trade a return in such
 form as may be prescribed by that Board and verified by statutory
 declaration if so required by them showing the amount which has
 been paid applied or invested for the purpose of such sinking 15
 fund during the year preceding the making of such return
 and the description of the securities upon which the same has
 been invested and also showing the purposes to which any portion
 of the moneys invested for the sinking fund and the interest
 thereof has been applied during the same period and the total 20
 amount remaining invested at the end of the year and in the event
 of any default in making such return the clerk shall be liable to
 a penalty not exceeding twenty pounds If it appear to the Board
 of Trade by such return or otherwise that the Trustees have failed
 to set apart the sum required for the sinking fund or have 25
 applied any portion of the moneys set apart for that fund or
 any interest thereof to any purposes other than those authorised
 the Board of Trade may by order direct that a sum not
 exceeding double the amount in respect of which such default
 shall have been made shall be set apart and invested as part 30
 of the sinking fund and such order shall be enforceable by
 decree of either Division of the Inner House of the Court
 of Session in Scotland pronounced in a summary application
 presented for that purpose.
- Saving
 railways of
 Glasgow and
 South West-
 ern Railway
 Company. 63. The Trustees shall not without the previous consent of
 the Glasgow and South Western Railway Company in writing 35
 under their common seal enter upon take use or otherwise
 interfere with any of the railways which have been laid by the
 said company at the harbour and on the quays or wharves thereof
 and now used or occupied by them.
- Nothing to
 exempt har-
 bour from 64. Nothing in this Order contained shall be deemed to 40
 exempt the harbour or the Trustees from the provisions of the

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Merchant Shipping Acts or of any general Act relating to harbours or docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under authority of Parliament of the rates authorised by this Order.

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provisions
of Merchant
Shipping
Acts.

65. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid out of the revenue of the harbour by the Trustees.

Costs of
Order.

A.D. 1909.

SCHEDULES.**FIRST SCHEDULE.**

(Referred to in the section of this Order of which the marginal note is "Rates on persons and luggage &c.")

I.—RATES ON PERSONS &c.		<i>s.</i>	<i>d.</i>	5
For every passenger or other person who shall tranship or land from or embark on board of any vessel for each time any sum not exceeding	- - - - -	0	2	
For every vehicle of whatever description coming into the harbour or using land or other property belonging to the Trustees any sum not exceeding	- - - - -	0	6	10
II.—RATES ON PASSENGERS' LUGGAGE MOTOR VEHICLES BICYCLES &c.				
LANDED SHIPPED UNSHIPED TRANSHIPPED RECEIVED OR DELIVERED AT THE HARBOUR.				15
For every trunk portmanteau box parcel or other package within the description of luggage (not borne by passengers) exceeding 28 pounds and not exceeding 56 pounds	- - - - -	0	3	
Over 56 pounds and not exceeding 84 pounds	- - - - -	0	6	
Over 84 pounds and not exceeding 224 pounds	- - - - -	1	0	20
And for every 20 pounds weight in addition	- - - - -	0	1	
For every motor vehicle	- - - - -	2	6	
For every other four-wheeled vehicle	- - - - -	2	0	
For every bicycle tricycle or other similar vehicle	- - - - -	0	4	
For every other two-wheeled vehicle	- - - - -	0	6	25

SECOND SCHEDULE.

(Referred to in the sections of this Order of which the marginal notes are respectively "Rates on vessels" and "Vessels laying up.")

RATES ON VESSELS.		<i>s.</i>	<i>d.</i>	30
1.—On all vessels entering or using the harbour per register ton	- - - - -	0	6	
2.—On all vessels (other than the vessels mentioned in subsection (2) of the section of this Order of which the marginal note is "Vessels laying up") remaining in the harbour beyond the first month per register ton per week	- - - - -	0	3	35
3.—On all vessels entering or using any of the wet docks or tidal basins constructed or to be constructed at the harbour in addition to the harbour rates per register ton	- - - - -	1	0	

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		<i>s. d.</i>	A.D. 1909.
	4.—On all vessels remaining in any of the wet docks or tidal basins beyond the first month per register ton per week	0	6
5	5.—On all vessels using the graving dock per register ton for each tide that such vessels remain in the graving dock -	0	6
	6.—On all fishing boats whether decked or undecked of thirty feet keel and upwards each - - - -	2	0
	7.—On all fishing boats whether decked or undecked under thirty feet keel each - - - -	1	0
10	8.—On all boats entirely open landing or taking on board passengers or goods each - - - -	0	6
	9.—On all yachts not carrying goods or passengers for hire per register ton - - - -	0	3
15	10.—On all vessels entering or using the harbour (in addition to the harbour rates and other rates above specified) for the harbour lights per register ton - - - -	0	1
	11.—For all other boats each - - - -	0	6

RATES FOR PILOTAGE.

For all vessels entering or leaving the harbour per register ton	0	2
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20 THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Rates on goods and animals.")

RATES ON GOODS MINERALS ANIMALS AND THINGS SHIPPED UNSHIPPED
TRANSHIPPED RECEIVED OR DELIVERED AT THE HARBOUR.

		<i>s. d.</i>
25	Acetate of lime - - - - - per ton	1 6
	Acids of all kinds - - - - - "	1 6
	Aerated waters - - - - - "	1 0
	Agricultural implements - - - - - "	1 0
30	Ale beer and porter in casks - - - - - "	0 6
	Ale beer and porter in bottles - - - - - "	3 4
	Antimonium ore - - - - - "	0 8
	Antimony - - - - - "	0 8
	Asbestos - - - - - "	0 8
35	Ashes pot or other kinds - - - - - "	0 8
	Asphalte - - - - - "	0 4
	Baking powder - - - - - "	0 8
	Bales and boxes containing goods not specified - - - - - "	1 0

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									s.	d.
Bark	-	-	-	-	-	-	-	per ton	0	6
Barrows	-	-	-	-	-	-	-	"	1	0
Barytès stone—rough ground or powdered	-	-	-	-	-	-	-	"	0	4
Barytes—sulphate of	-	-	-	-	-	-	-	"	0	4 5
Basketware	-	-	-	-	-	-	-	"	1	6
Bath bricks	-	-	-	-	-	-	-	"	0	8
Bedding	-	-	-	-	-	-	-	"	1	6
Beef viz. :—										
Canned or tinned	-	-	-	-	-	-	-	"	0	8 10
Fluid or other extracts	-	-	-	-	-	-	-	"	0	8
Fresh	-	-	-	-	-	-	-	"	0	8
Preserved	-	-	-	-	-	-	-	"	0	8
Salt	-	-	-	-	-	-	-	"	0	8
Benzole	-	-	-	-	-	-	-	"	0	8 15
Biscuits	-	-	-	-	-	-	-	"	0	8
Bitumen	-	-	-	-	-	-	-	"	0	4
Blacking	-	-	-	-	-	-	-	"	0	8
Bleaching powder or liquor	-	-	-	-	-	-	-	"	0	6
Blocks fireclay	-	-	-	-	-	-	-	"	0	3 20
Blood liquid	-	-	-	-	-	-	-	"	1	0
" manure dried	-	-	-	-	-	-	-	"	0	6
Blubber—whale and cod	-	-	-	-	-	-	-	"	0	8
Boats	-	-	-	-	-	-	-	"	1	6
Bobbins of wood	-	-	-	-	-	-	-	"	0	8 25
Bobbin blocks	-	-	-	-	-	-	-	"	0	8
Boiler composition	-	-	-	-	-	-	-	"	0	8
Bones bone ash dust and meal	-	-	-	-	-	-	-	"	0	6
Boots	-	-	-	-	-	-	-	"	0	8
Borate of lime	-	-	-	-	-	-	-	"	0	8 30
Borax	-	-	-	-	-	-	-	"	0	8
Bottles	-	-	-	-	-	-	-	"	0	8
" broken or cullet	-	-	-	-	-	-	-	"	0	4
Boxes cases or casks empty	-	-	-	-	-	-	-	"	0	8
" fancy empty	-	-	-	-	-	-	-	"	1	6 35
Bran	-	-	-	-	-	-	-	"	0	4
Brass	-	-	-	-	-	-	-	"	0	8
" refuse or slag of	-	-	-	-	-	-	-	"	0	4
" side lights	-	-	-	-	-	-	-	"	1	3
Bread	-	-	-	-	-	-	-	"	0	8 40
Bricks—common and fireclay	-	-	-	-	-	-	-	"	0	3
" enamelled	-	-	-	-	-	-	-	"	0	8
Brimstone	-	-	-	-	-	-	-	"	0	8
Brooms	-	-	-	-	-	-	-	"	0	3
" of all kinds	-	-	-	-	-	-	-	per doz.	0	2 45
Broom handles	-	-	-	-	-	-	-	per ton	0	8

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		s.	d.	A.D. 1909.
	Brushes - - - - -			---
	Brush blocks (wooden) - - - - -	per ton	1	6
	„ heads - - - - -	„	0	8
5	Butter - - - - -	„	1	6
		„	0	8
	Cables and cordage - - - - -	„	1	0
	Cake—whole or ground rape linseed and others - - - - -	„	0	6
	Calcium—chloride of - - - - -	„	0	8
	Candles - - - - -	„	1	0
10	Candle wick - - - - -	„	1	6
	Cane manilla and rattan - - - - -	„	0	8
	Canvas - - - - -	„	0	8
	Carbide of calcium - - - - -	„	1	0
	Carbon gas coke - - - - -	„	0	3
15	„ refuse gas - - - - -	„	1	0
	Carbonate of lime - - - - -	„	1	0
	Carpets rugs and upholstery - - - - -	„	1	6
	Carpet bags - - - - -	„	1	6
	Cartridges - - - - -	„	1	6
20	Cattle &c. viz.—			
	Bulls cows and oxen - - - - -	each	0	9
	Calves (under 1 year old) - - - - -	„	0	3
	Lambs - - - - -	per score	0	6
	Sheep - - - - -	„	1	0
25	Goats and dogs - - - - -	each	0	2
	Horses and ponies - - - - -	„	0	9
	Mules and asses - - - - -	„	0	6
	Pigs - - - - -	„	0	1
	Wild beasts - - - - -	„	1	0
30	All other animals - - - - -	„	0	3
	Cattle food (not otherwise specified) - - - - -	per ton	0	8
	Cement - - - - -	„	0	4
	Chalk rough - - - - -	„	0	4
	„ refined - - - - -	„	0	6
35	„ french - - - - -	„	0	6
	Charcoal - - - - -	„	0	8
	Cheese - - - - -	„	0	6
	Chemical food - - - - -	„	1	6
	Chicory - - - - -	„	0	8
40	Chimney cans (clay) - - - - -	„	0	4
	Chinaware - - - - -	„	1	6
	Chloride of lime - - - - -	„	0	6
	Chloride of barium - - - - -	„	0	8
	Chocolate - - - - -	„	0	8
45	Chromate of iron ore - - - - -	„	0	6

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									<i>s.</i>	<i>d.</i>
Chrome ore	-	-	-	-	-	-	-	per ton	0	6
Cider—in casks or bottles	-	-	-	-	-	-	-	"	0	8
Cigars	-	-	-	-	-	-	-	"	1	6
Cinders—gas and other	-	-	-	-	-	-	-	"	0	1 5
Clay—china	-	-	-	-	-	-	-	"	0	4
„ common	-	-	-	-	-	-	-	"	0	4
„ pipe	-	-	-	-	-	-	-	"	0	4
„ rhenish	-	-	-	-	-	-	-	"	0	4
„ fireclay goods	-	-	-	-	-	-	-	"	0	8 10
Clay—fireclay enamelled	-	-	-	-	-	-	-	"	1	0
Coal coal dust and culm	-	-	-	-	-	-	-	"	0	4
Coal briquettes	-	-	-	-	-	-	-	"	0	4
Coffee—whole or ground	-	-	-	-	-	-	-	"	0	8
„ essence of	-	-	-	-	-	-	-	"	1	0 15
Coir coir fabric matting rope and yarn	-	-	-	-	-	-	-	"	1	6
Coke	-	-	-	-	-	-	-	"	0	4
Copper ore	-	-	-	-	-	-	-	"	0	8
Copper	-	-	-	-	-	-	-	"	0	8
„ old	-	-	-	-	-	-	-	"	0	8 20
„ dross or slag of	-	-	-	-	-	-	-	"	0	4
„ rollers	-	-	-	-	-	-	-	"	0	8
„ utensils	-	-	-	-	-	-	-	"	1	0
Copperas	-	-	-	-	-	-	-	"	0	8
Corks	-	-	-	-	-	-	-	"	1	6 25
Corkwood	-	-	-	-	-	-	-	"	0	8
„ fenders	-	-	-	-	-	-	-	"	1	6
„ lifebuoys	-	-	-	-	-	-	-	"	1	6
„ shavings	-	-	-	-	-	-	-	"	0	6
„ squares	-	-	-	-	-	-	-	"	0	8 30
„ waste or refuse	-	-	-	-	-	-	-	"	0	8
Cordials (sweetened spirit) in cases	-	-	-	-	-	-	-	"	1	6
Corn viz.—										
Barley all kinds (including pot or dulled)	-	-	-	-	-	-	-	"	0	8
Beans	-	-	-	-	-	-	-	"	0	8 35
Bere or bigg	-	-	-	-	-	-	-	"	0	8
Buckwheat	-	-	-	-	-	-	-	"	0	8
Dari seed	-	-	-	-	-	-	-	"	0	8
Gram	-	-	-	-	-	-	-	"	0	8
Indian corn	-	-	-	-	-	-	-	"	0	8 40
Lentils	-	-	-	-	-	-	-	"	0	8
Malt	-	-	-	-	-	-	-	"	0	8
Mutter	-	-	-	-	-	-	-	"	0	8
Oats	-	-	-	-	-	-	-	"	0	8
Peas	-	-	-	-	-	-	-	"	0	8 45
„ split	-	-	-	-	-	-	-	"	0	8

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									s.	d.	A.D. 1909.
	Corn— <i>continued</i>										
	Rye	-	-	-	-	-	-	per ton	0	8	
	Tares	-	-	-	-	-	-	"	0	8	
	Wheat	-	-	-	-	-	-	"	0	8	
5	„ (“ thirds ”)	-	-	-	-	-	-	"	0	4	
	Corn &c. manufactured—										
	Barley meal and flour	-	-	-	-	-	-	"	1	3	
	Barley pot	-	-	-	-	-	-	"	1	3	
	Flourine	-	-	-	-	-	-	"	1	3	
10	Hominy	-	-	-	-	-	-	"	1	3	
	Indian corn flour and meal	-	-	-	-	-	-	"	1	3	
	Malt	-	-	-	-	-	-	"	1	4	
	Oatmeal	-	-	-	-	-	-	"	1	3	
	Peas and bran meal	-	-	-	-	-	-	"	1	3	
15	Wheat flour	-	-	-	-	-	-	"	1	3	
	Horse and cattle food—										
	Alfamol feed	-	-	-	-	-	-	"	1	3	
	Barley dust	-	-	-	-	-	-	"	1	3	
	Bran	-	-	-	-	-	-	"	1	3	
20	Corn dust	-	-	-	-	-	-	"	1	3	
	Indian corn husks—ground	-	-	-	-	-	-	"	1	3	
	Locust beans	-	-	-	-	-	-	"	1	4	
	Malt combings	-	-	-	-	-	-	"	1	0	
	Molascuit	-	-	-	-	-	-	"	1	3	
25	Nut husks	-	-	-	-	-	-	"	1	3	
	Pollards or common thirds	-	-	-	-	-	-	"	1	3	
	Sharps or fine thirds	-	-	-	-	-	-	"	1	3	
	Shudes or shellings	-	-	-	-	-	-	"	0	9	
	Cotton—										
30	Belting	-	-	-	-	-	-	"	1	0	
	Manufactures	-	-	-	-	-	-	"	1	6	
	Oil refuse	-	-	-	-	-	-	"	1	0	
	Rags	-	-	-	-	-	-	"	1	0	
	Raw	-	-	-	-	-	-	"	0	8	
35	Seed	-	-	-	-	-	-	"	1	0	
	Hull waste	-	-	-	-	-	-	"	0	9	
	Waste	-	-	-	-	-	-	"	1	6	
	Wool	-	-	-	-	-	-	"	1	6	
	Creosote	-	-	-	-	-	-	"	0	8	
40	Cutlery	-	-	-	-	-	-	"	1	6	
	Disinfectant fluids	-	-	-	-	-	-	"	0	8	
	Draff and refuse grain	-	-	-	-	-	-	"	0	6	
	Drapery	-	-	-	-	-	-	"	1	6	
	Drugs not otherwise rated	-	-	-	-	-	-	"	1	6	
45	Drysalteries	-	-	-	-	-	-	"	1	0	

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		<i>s.</i>	<i>d.</i>
Dunnage wood - - - - -	per ton	0	6
Dust or blacking founders - - - - -	"	0	9
Dye stuffs - - - - -	"	0	8
Dyewoods - - - - -	"	1	0 5
Earthenware - - - - -	"	0	8
Eggs - - - - -	"	1	0
Enamel - - - - -	"	0	8
Fat - - - - -	"	0	8
Farm implements - - - - -	"	0	8 10
Feathers - - - - -	"	1	6
Feeding stuffs (not otherwise specified) - - - - -	"	0	8
Felt of all kinds - - - - -	"	0	8
Fibre not otherwise rated - - - - -	"	0	8
Filters - - - - -	"	0	8 15
Fish of all kinds - - - - -	"	1	6
Fish cake and oil refuse - - - - -	"	0	8
Flax - - - - -	"	0	6
Flax waste - - - - -	"	0	6
Flint stones - - - - -	"	0	4 20
Flour of all kinds - - - - -	"	0	6
Fowls - - - - -	"	1	0
Fruits of all kinds - - - - -	"	0	8
Fruits dried or preserved in tins, glass or otherwise - - - - -	"	1	0
Furniture—house or office - - - - -	"	1	6 25
Game poultry and rabbits - - - - -	"	1	0
Gas coal cinders - - - - -	"	0	3
Glass and glass ware - - - - -	"	0	8
Glue - - - - -	"	0	8
Glucose - - - - -	"	0	8 30
Glycerine - - - - -	"	0	8
Gold varnish - - - - -	"	1	0
Gold and silver plate - - - - -	"	1	6
Granite stone—rough or dressed - - - - -	"	0	4
" polished - - - - -	"	0	6 35
" ground - - - - -	"	0	3
" chips - - - - -	"	0	2
Grass—Esparto and Palmetta - - - - -	"	1	0
" all other kinds - - - - -	"	1	0
Gravel - - - - -	"	0	4 40
Gravestones - - - - -	"	0	8
Grindstones - - - - -	"	0	10
Groceries - - - - -	"	0	8
Guano and phospho guano - - - - -	"	0	6
Guns - - - - -	"	0	8 45

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						<i>s.</i>	<i>d.</i>	A.D. 1909.	
	Hardware—heavy	-	-	-	-	per ton	0	8	—
	„ light	-	-	-	-	„	1	6	
	Hay	-	-	-	-	„	1	0	
5	Hemp goods	-	-	-	-	„	0	8	
	Hides (wet and dry) kip and calf	-	-	-	-	„	0	8	
	Hoofs and horn waste	-	-	-	-	„	1	0	
	Hoops	-	-	-	-	„	1	0	
	Hops	-	-	-	-	„	1	6	
10	Horns	-	-	-	-	„	1	0	
	Ice	-	-	-	-	„	0	6	
	Indigo	-	-	-	-	„	1	6	
	Indiarubber	-	-	-	-	„	1	0	
	Ink	-	-	-	-	„	0	8	
15	Iron and steel (manufactured) of all kinds	-	-	-	-	„	0	8	
	Iron ore or ironstone of all kinds	-	-	-	-	„	0	4	
	Iron ore oxide	-	-	-	-	„	0	8	
	Jute	-	-	-	-	„	0	8	
	Kelp (seaware raw)	-	-	-	-	„	0	4	
20	Kelp—burnt salt or waste	-	-	-	-	„	0	4	
	Lard	-	-	-	-	„	0	8	
	Lead—lead pipes and sheets and ore	-	-	-	-	„	0	8	
	„ black red white	-	-	-	-	„	0	8	
	„ pig	-	-	-	-	„	0	8	
25	„ ashes	-	-	-	-	„	0	6	
	„ shot	-	-	-	-	„	0	8	
	„ sugar of	-	-	-	-	„	0	8	
	Leather of all kinds	-	-	-	-	„	1	6	
	Lemons lemon juice and lemon peel	-	-	-	-	„	1	0	
30	Limes and lime juice	-	-	-	-	„	1	0	
	Lime and limestone or shells or waste	-	-	-	-	„	0	4	
	Linens	-	-	-	-	„	1	0	
	Linoleum	-	-	-	-	„	0	8	
	Logwood—extract of	-	-	-	-	„	0	8	
35	Marcaroni	-	-	-	-	„	2	0	
	Machinery and machines (loose or in packages)	-	-	-	-	„	1	6	
	Magnesia	-	-	-	-	„	1	6	
	Magnesite and magnesite bricks	-	-	-	-	„	1	0	
	Magnesite rock	-	-	-	-	„	0	4	
40	Manganese and manganese ore	-	-	-	-	„	0	8	
	Manures—common	-	-	-	-	„	0	4	
	„ chemical and fish	-	-	-	-	„	0	6	
	„ ground slag	-	-	-	-	„	0	6	
	„ not specified	-	-	-	-	„	0	6	

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								<i>s.</i>	<i>d.</i>
Maps and charts	-	-	-	-	-	-	per ton	1	3
Marble	-	-	-	-	-	-	"	0	8
Margarine	-	-	-	-	-	-	"	0	8
Matches	-	-	-	-	-	-	"	1	6 5
Mats of all kinds	-	-	-	-	-	-	"	0	8
Mattresses	-	-	-	-	-	-	"	1	6
Meal of all kinds	-	-	-	-	-	-	"	0	8
Milk	-	-	-	-	-	-	"	0	8
„ preserved	-	-	-	-	-	-	"	1	0 10
Molasses	-	-	-	-	-	-	"	0	6
Moss—Iceland or Irish	-	-	-	-	-	-	"	0	8
Moss litter or peat bedding	-	-	-	-	-	-	"	0	4
Mouldings	-	-	-	-	-	-	"	1	0
Muriate of lime	-	-	-	-	-	-	"	0	6 15
„ potash	-	-	-	-	-	-	"	0	4
„ soda	-	-	-	-	-	-	"	0	6
„ magnesia	-	-	-	-	-	-	"	0	6
Musical instruments	-	-	-	-	-	-	"	1	6
Mustard	-	-	-	-	-	-	"	1	0 20
Nails	-	-	-	-	-	-	"	0	10
Naphtha and naphthaline	-	-	-	-	-	-	"	0	8
Nets	-	-	-	-	-	-	"	0	8
Nickel ore	-	-	-	-	-	-	"	0	6
„ pig	-	-	-	-	-	-	"	0	8 25
Nitrate of soda	-	-	-	-	-	-	"	0	6
Nitre cake	-	-	-	-	-	-	"	0	6
Nuts of all kinds	-	-	-	-	-	-	"	0	8
Oakum or junk	-	-	-	-	-	-	"	0	6
Oars	-	-	-	-	-	-	"	1	0 30
Ochre	-	-	-	-	-	-	"	0	8
Oilcloth—table and other	-	-	-	-	-	-	"	1	6
Oilskins and waterproofs	-	-	-	-	-	-	"	1	0
Oilcans	-	-	-	-	-	-	"	1	0
Ore burnt (pyrites)	-	-	-	-	-	-	"	0	4 35
Pails	-	-	-	-	-	-	"	1	6
Paints and colours of all kinds	-	-	-	-	-	-	"	0	8
Paper including shavings hangings sheathing and pasteboards	-	-	-	-	-	-	"	0	8
Paraffin scale and wax	-	-	-	-	-	-	"	0	8 40
Paris white	-	-	-	-	-	-	"	0	4
Patterns and models	-	-	-	-	-	-	"	1	0
Pavement of clay and clay retorts	-	-	-	-	-	-	"	0	4
„ stones	-	-	-	-	-	-	"	0	4
Peats and turf	-	-	-	-	-	-	"	0	4 45

		s. d., A.D. 1909.	
	Perfumery - - - - -	per ton	1 6
	Petroleum - - - - -	"	0 6
	Pianos - - - - -	"	2 0
5	Pickles - - - - -	"	1 0
	Pictures - - - - -	"	1 6
	Pimento - - - - -	"	1 0
	Pipes—tobacco - - - - -	"	1 6
	„ clay—drain - - - - -	"	0 4
10	Pitch—vegetable - - - - -	"	0 6
	„ coal tar and mineral - - - - -	"	0 4
	„ trinidad - - - - -	"	0 4
	Phosphate rock—whole or ground - - - - -	"	0 4
	Phosphate sand - - - - -	"	0 4
15	Plants shrubs or trees - - - - -	"	1 6
	Plaster of Paris - - - - -	"	0 6
	„ stone - - - - -	"	1 4
	Plumbago - - - - -	"	0 8
	Potash of all kinds - - - - -	"	0 8
20	Preserves - - - - -	"	1 0
	Provisions of all kinds - - - - -	"	1 0
	Pulp of wood &c. (for paper) - - - - -	"	0 8
	Pumice stone - - - - -	"	0 8
	Putty - - - - -	"	0 8
25	Rags not otherwise rated - - - - -	"	0 8
	Riggings of ships - - - - -	"	1 0
	Roots—flower and others - - - - -	"	1 6
	Ropes—wire - - - - -	"	1 6
	„ hemp and manilla - - - - -	"	0 8
30	„ old - - - - -	"	0 8
	Rosin - - - - -	"	0 8
	Rugs - - - - -	"	1 6
	Sails - - - - -	"	1 0
	Sailcloth - - - - -	"	0 8
35	Saltpetre - - - - -	"	1 0
	Sand - - - - -	"	0 4
	Sawdust - - - - -	"	0 4
	Seeds of all kinds - - - - -	"	0 8
	Sewing machines - - - - -	"	1 0
40	Shale - - - - -	"	0 4
	Shale oil still refuse - - - - -	"	1 0
	Shale—ground - - - - -	"	1 0
	Sheep dip - - - - -	"	1 3
	Shellac - - - - -	"	0 8
45	Shot lead and iron - - - - -	"	0 8

A.D. 1909.

	s.	d.
Skins of all kinds - - - - -	per ton	0 8
Slag - - - - -	"	0 4
Slates slate slabs and school slates - - - - -	"	0 8
Slates (roofing) all kinds - - - - -	"	0 6 5
Sleepers wood - - - - -	"	0 6
Smallwares - - - - -	"	1 6
Soap of all kinds - - - - -	"	0 8
Solder - - - - -	"	0 8
Spelter and spelter ashes - - - - -	"	0 8 10
Spirits and wines—		
In casks - - - - -	"	1 0
In cases - - - - -	"	1 6
Spirits of wine in cases - - - - -	"	1 6
Turpentine of tar and other spirits in casks - - - - -	"	0 8 15
Spirits of all other kinds - - - - -	"	2 0
Spoolwood - - - - -	"	1 0
Starch - - - - -	"	1 0
Stones of all kinds - - - - -	"	0 4
Stoneware - - - - -	"	0 8 20
Strawboards - - - - -	"	0 8
Straw - - - - -	"	0 6
Stucco and plaster - - - - -	"	0 6
Sugar of all kinds - - - - -	"	0 6
Sulphur - - - - -	"	0 8 25
Sulphur ore - - - - -	"	0 4
Tallow - - - - -	"	0 8
Tarpaulings - - - - -	"	1 0
Tea - - - - -	"	1 6
Tiles of all kinds - - - - -	"	0 6 30
Timber—		
Ash birch elm maple oak teak or other similar hard wood per ton of 40 cubic feet - - - - -	1	3
Fir gum logs pine and poplar or other similar soft wood in logs deals battens or scantlings per ton of 50 cubic feet - - - - -	1	0 35
Tin of all kinds - - - - -	per ton	0 8
Tobacco - - - - -	"	0 8
Twine - - - - -	"	0 8
Vegetables of all kinds - - - - -	"	0 4 40
Vegetables preserved - - - - -	"	1 0
Vinegar in casks - - - - -	"	0 8
" " cases - - - - -	"	1 0
Vitriol in carboys - - - - -	"	1 0

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		<i>s. d.</i>	A.D. 1909.
	Wax bees' and other kinds - - - - - per ton	0 8	—
	Whiting - - - - - "	0 4	
	Window frames—glazed and unglazed - - - - - "	1 6	
5	Woodware and utensils and woodwork - - - - - "	1 6	
	Wooden doors handles and shoes - - - - - "	1 0	
	Wool - - - - - "	1 0	
	Woollen goods or cloth - - - - - "	1 6	
	„ rags - - - - - "	1 6	
10	Yarn-coir cotton lint or flax manilla worsted and all other kinds - - - - - "	1 0	
	Yarn-hemp and tow - - - - - "	0 8	
	Yellow metal - - - - - "	1 3	
	Zinc and zinc goods oxide ashes manufactures and ore	0 8	
15	Zinc—vitriol of - - - - - "	1 0	

All goods wares merchandise and every trunk chest box package or other article not particularly mentioned in this table and not being passengers' luggage per cwt. or part of a cwt. 0 1

20 In charging the rates on goods the gross weight or measurement of all goods including the packages shall be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged and in calculating the rates fractional parts of one penny shall be taken as one penny. The minimum charge for a single package shall be one penny.

FOURTH SCHEDULE.

25

(Referred to in the section of this Order of which the marginal note is "Rates for warehouses &c.")

RATES FOR THE USE OF WAREHOUSES (OTHER THAN TRANSIT SHEDS).

		<i>s. d.</i>
30	For every ton of goods which shall remain in any warehouse or shed not more than two days - - - - -	0 4
	And for every part of a day after such two days - - - - -	0 1½
	Or hire for warehouse or shed as may be agreed on.	
	For any portmanteau trunk or other article of passengers' luggage for each day or part of a day after the first 24 hours	0 2

A.D. 1909.

FIFTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Rates for cranes and hoists weighing and machinery.")

RATES FOR THE USE OF CRANES AND HOISTS.

	For each Ton or part of a Ton.			5
	£	s.	d.	
Coal by hoists	0	0	2	
„ crane or buckets	0	0	3	10
Limestone lime bricks sand gravel clay common manure pig-iron spiegel-iron ores (copper iron lead and others) and blooms	0	0	4	
Scrap-iron (small) lifted by bucket	0	0	4	
Cast-iron pipes cast segments of pipes and ingot moulds	0	0	4	15
Granite freestone and other stones	0	0	4	
Timber and all other articles weighing less than one ton	0	0	5	
Marble	0	1	0	
All other articles:—				
One ton and under two tons	0	1	0	20
Two tons and under three tons	0	1	6	
Three tons and under four tons	0	1	8	
Four tons and under five tons	0	2	0	
Five tons and under six tons	0	2	6	
Six tons and under seven tons	0	2	8	25
Seven tons and under eight tons	0	3	0	
Eight tons and under nine tons	0	3	6	
Nine tons and under ten tons	0	5	0	
Ten tons and under twenty tons	0	6	8	
Twenty tons and upwards	0	10	0	30

Cranemen's wages in addition.

These charges are increased one-third for any overtime wrought.
Masting or unmasting vessels according to agreement.

SIXTH SCHEDULE.

A.D. 1909.

(Referred to in the section of this Order of which the marginal note is "Rates for cranes and hoists weighing and machinery.")

FOR USE OF WEIGHING MACHINES INCLUDING TRUCKS STEEL YARDS AND ALL OTHERS.		<i>s. d.</i>
5	For weighing coal minerals iron and other goods in railway trucks per truck - - - - -	0 3
10	For weighing any other articles or goods not in railway trucks per cart lorry or waggon - - - - -	0 2
	For use of weight indicator on cranes per ton or part of a ton -	0 2

These charges are increased one-third for overtime wrought.

SEVENTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Ballasting and ballast rates.")

RATES FOR BALLAST LOADING DISCHARGING REMOVAL AND DEPOSIT THEREOF.		<i>s. d.</i>
20	Supplying and loading ballast including trimming and use of cranes - - - - - per ton	2 6
	Discharging ballast including crane dues and depositing same - - - - - „	2 0
	Discharging or loading ballast by night - extra per ton „	0 6

These rates are exclusive of cost of railway or other carriage of the material.

25

**Irvine Harbour Order
Confirmation.**

A

B I L L

INTITULIED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Irvine Harbour.

(Brought from the Commons 16th September 1909.)

Ordered to be printed 16th September 1909.

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[Price 4d.]

(175.)

A

B I L L

INTITULED

An Act to amend the Law with respect to Customs A.D. 1900.
in the Isle of Man.

BE it enacted by the King'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:—

- 5 **1.** The additional duty of Customs on tea removed or imported into the Isle of Man imposed by section one of the Isle of Man (Customs) Act, 1906, and the additional duties of Customs on tobacco and spirits removed or imported into the Isle of Man imposed by section one of the Isle of Man (Customs) Act, 1900, and the additional duty on ale and beer removed or imported into the Isle of Man imposed by the second paragraph of section two of that Act, shall continue to be charged, levied, and paid as from the first day of August nineteen hundred and nine until the first day of August nineteen hundred and ten.

Continuance of additional duties on tea, tobacco, spirits, ale, and beer. 6 Edw. 7. c. 18. 63 & 64 Viet. c. 31.

- 15 **2.**—(1) In addition to the duties of Customs now payable on spirits and tobacco removed or imported into the Isle of Man, there shall be levied the following duties:—

Additional duties on spirits and tobacco.

		<i>s.</i>	<i>d.</i>
	Spirits, namely:—		
	Spirits of any kind (except perfumed spirits)		
20	computed at hydrometer proof - the gallon	3	9
	Liqueurs, cordials, or mixed or sweetened		
	spirits in bottle, entered in such a manner		
	as to indicate that the strength is not to		
	be tested - - - the gallon	5	1
25	Perfumed spirits - - - the gallon	6	0
	(134.)		

A.D. 1909.		<i>s. d.</i>	
	Tobacco, manufactured :—		
	Cigars - - - - the lb.	1 0	
	Cigarettes - - - - the lb.	0 10	
	Cavendish or Negrohead - - the lb.	1 0	
	Cavendish or Negrohead, manufactured		5
	in bond - - - - the lb.	0 10	
	Other manufactured tobacco - the lb.	0 10	
	Snuff containing more than 13 lbs.		
	of moisture in every 100 lbs.		
	weight thereof - - - the lb.	0 10	10
	Snuff not containing more than		
	13 lbs. of moisture in every 100 lbs.		
	weight thereof - - - the lb.	1 0	
	Tobacco, unmanufactured :—		
	Containing 10 lbs. or more of		15
	moisture in every 100 lbs. weight		
	thereof :—		
	Unstripped - - - the lb.	0 8	
	Stripped - - - the lb.	0 8½	
	Containing less than 10 lbs. of		20
	moisture in every 100 lbs. weight		
	thereof :—		
	Unstripped - - - the lb.	0 9	
	Stripped - - - the lb.	0 9½	

(2) The said duties on spirits and manufactured tobacco shall be leviable as from the thirtieth day of April nineteen hundred and nine, and the said duties on unmanufactured tobacco shall be leviable as from the twenty-sixth day of May nineteen hundred and nine. 25

(3) In this section the expression “stripped tobacco” means any leaf tobacco of which the leaf is not complete by reason of the removal of the stalk or midrib or of some portion thereof, but tobacco shall not be deemed to be stripped tobacco solely by reason of its having been subjected to such process of butting as the Commissioners of Customs and Excise allow. 30 35

Bank holidays
to be kept as
holidays in
Customs and
Excise offices.

3. Every day which under the law for the time being in force is a bank holiday in the Isle of Man shall be kept as a public holiday in all Customs and Excise offices in the Isle of Man.

Short title.

4. This Act may be cited as the Isle of Man (Customs) Act, 1909. 40

Isle of Man (Customs).

A

B I L L

INTITLED

An Act to amend the Law with respect
to Customs in the Isle of Man.

(Brought from the Commons 16th August 1909.)

Ordered to be printed 16th August 1909.

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(134.)

A

B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners A.D. 1909.
for the management of the Charity of John Marshall.

WHEREAS the Charity Commissioners for England and Wales in their report to His Majesty of their proceedings during the year one thousand nine hundred and eight have reported that they have approved and certified a scheme for the management of the charity of John Marshall regulated by Marshall's Charity Act 1855 :

And whereas it is expedient that the scheme as the same is fully set out and defined in the schedule to this Act should be confirmed :

10 Be it therefore enacted by the King'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 :—

1. The said scheme is hereby confirmed Provided always
15 that nothing in the Act or in the said scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exerciseable or hereafter to become exerciseable by the High Court of Justice and the Charity Commissioners.

2. This Act may be cited as the Marshall's Charity Scheme
20 Confirmation Act 1909.

A.D. 1909.

SCHEDULE.

*Scheme for the Application or Management of the
Charity of John Marshall.*

The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction upon the application of the Trustees of the charity or of a majority of them establish schemes for the alteration of any provisions of Marshall's Charity Act 1855 as if those provisions had been made by the Founder in the case of a charity having a Founder. 5

**John Marshall's
Charity.**

A

B I L L

INTITLED

An Act to confirm a Scheme of
the Charity Commissioners for the
management of the Charity of John
Marshall.

(Brought from the Commons 30th August 1909.)

Ordered to be printed 30th August 1909.

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[*Price 3d.*]]

(150.)

[9 EDW. 7.] *Kirkwall Water Provisional Order.*

I

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Kirkwall Water. A.D. 1909.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King'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:—

- 10 **1.** The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.
- 2.** This Act may be cited as the Kirkwall Water Order Act 1909.

Confirmation
of Order in
schedule.

Short title..

A.D. 1909.

SCHEDULE.

KIRKWALL WATER.

Provisional Order.

WHEREAS by Section 45 of the Burgh Police (Scotland) Act 1892 as read with the Town Councils (Scotland) Act 1900 (herein-after 5 called "the Act of 1900") it is provided that whenever it shall appear to the town council of any burgh to which the first cited Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or water or to the roads and streets or to drainage or 10 sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation or adjustment to the provisions of the Act now in recital or for the other purposes therein mentioned they may apply to the Secretary for 15 Scotland for a Provisional Order and (Section 46) that after such inquiry as the Secretary for Scotland may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him requisite but no Provisional Order shall be of any 20 validity unless the same has been confirmed by Act of Parliament:

And whereas the Burgh Police (Scotland) Act 1892 is in force within the Burgh of Kirkwall (herein-after called "the Burgh"):

And whereas the provost magistrates and councillors of the Burgh incorporated by the Act of 1900 (herein-after called "the Town 25 Council") have resolved in pursuance of the provisions of the Burgh Police (Scotland) Acts 1892 to 1903 and the Public Health (Scotland) Act 1897 (herein-after called "the Act of 1897") to construct certain works for a new water supply for the inhabitants of the Burgh the cost whereof is estimated at the sum of fifteen thousand pounds or 30 thereabouts:

And whereas by the said Burgh Police Act of 1892 it is provided that it shall be lawful for the Town Council to borrow for any of the purposes of the Act or for repayment of any moneys borrowed for such purposes under said Act of 1892 or any former Acts which shall 35 have fallen due to the lenders thereof such sum or sums and at such time or times as the Town Council shall deem necessary for such purposes and the Town Council shall annually set apart a sum equal

[9 Edw. 7.] *Kirkwall Water Provisional Order.*

3

to three per centum per annum upon the sum or sums of money so borrowed as a sinking fund to be applied by the Town Council from time to time to the repayment of the moneys borrowed until the respective debts shall be extinguished: A.D. 1909.

5 And whereas having regard to the special circumstances of the Burgh it is expedient in order that the aforesaid waterworks may be constructed without undue burdens being laid upon the inhabitants that additional powers in respect of the repayment of the moneys borrowed for defraying the cost of the works and of the land and
10 other expenses incident thereto should be conferred on the Town Council:

And whereas the Town Council have presented a petition to me as Secretary for Scotland setting forth the matters herein-before recited:

15 And whereas after due inquiry I have resolved to issue a Provisional Order in the terms herein-after expressed:

Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 I as Secretary for Scotland do by this Provisional Order direct as follows:—

20 1. It shall be lawful for the Town Council from time to time to borrow in terms of the Burgh Police (Scotland) Acts 1892 to 1903 for the purpose of constructing works for a new water supply for the inhabitants of the Burgh and acquiring the lands necessary therefor as authorised by the said Acts and the Act of 1897 and defraying all
25 costs charges and expenses incident thereto such sums of money not exceeding in all the sum of fifteen thousand pounds as the Town Council may deem necessary and the money so borrowed shall be repayable either by means of a sinking fund or by means of equal annual instalments of principal and interest all as herein-after provided.

30 2. In regard to all sums to be borrowed or raised under the authority of this Order the Town Council shall set apart as a sinking fund in the year ending Whitsunday 1910 and in each subsequent year a sum of not less than two pounds per centum per annum on the amount for the time being borrowed or raised for the purposes of
35 this Order and such sinking fund shall be from time to time applicable to the redemption of bonds granted for the sums so borrowed or raised and to no other purpose whatsoever and such sinking fund shall be lodged in any of the banks in Scotland incorporated by or under Act of Parliament or Royal Charter or invested in any manner
40 authorised by law for investments by trustees until the same be applied for the purposes before specified or otherwise they may arrange with any lender so that the sum or sums so borrowed shall be repaid by equal annual instalments of principal and interest within a period not

A.D. 1909. exceeding forty years from the date or dates on which such sum or sums shall have been borrowed.

Order to apply to previous loans.

3. This Order shall apply to all sums heretofore borrowed or raised by the Town Council for the purposes specified in section one of this Order. 5

Costs of Order.

4. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order shall be paid by the Town Council out of the water assessment levied or to be levied under the Burgh Sewerage Drainage and Water Supply (Scotland) Act 1901 or out of the money which they are authorised to borrow under the authority of this Order. Provided that any money borrowed for paying such costs charges and expenses shall be repaid within five years from the confirmation of this Order. 10

Citation of Order.

5. This Order may be cited as the Kirkwall Water Order 1909.

Given under my hand and seal at Whitehall this third day of 15
December one thousand nine hundred and eight.

(L.S.)

JOHN SINCLAIR.

Kirkwall Water Provisional Order.

A

B I L L

INTITULED

An Act to confirm a Provisional Order
under the Burgh Police (Scotland)
Act 1892 relating to Kirkwall Water.

(Brought from the Commons 16th March 1909.)

Ordered to be printed 16th March 1909.

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(17.)



