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**SPEECHES ON THE IRISH QUESTION  
IN 1886.**

**MORRISON AND GIBB, EDINBURGH,  
PRINTERS TO HER MAJESTY'S STATIONERY OFFICE.**

SPEECHES  
ON  
THE IRISH QUESTION  
IN 1886.

BY THE  
RIGHT HON. W. E. GLADSTONE, M.P.

With an Appendix  
CONTAINING THE FULL TEXT OF THE GOVERNMENT OF  
IRELAND AND THE SALE AND PURCHASE OF  
LAND BILLS OF 1886.

Revised Edition.

EDINBURGH: ANDREW ELLIOT.  
1886.

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## P R E F A C E.

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THE present Volume is issued as a continuation of the previous Series containing the Midlothian Speeches of 1879, 1880, 1884, and 1885. The whole has been revised on Mr. Gladstone's behalf; the portion of the Speech on the Second Reading of the Government of Ireland Bill, dealing with the Representation of Irish Interests at Westminster, having been corrected by Mr. Gladstone himself. It is right to state that the revision of the Parliamentary portion of the Speeches has not been so complete as could have been wished. It was conducted somewhat hurriedly amid the pressure of official work, and it is therefore hoped that allowance will be made for any slight inaccuracies which may have escaped notice.

P. W. C.

19 CASTLE STREET,  
EDINBURGH, 28th August 1886

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## APPENDICES.

# APPENDIX I.

## *THE GOVERNMENT OF IRELAND BILL.*

THE following is the full text of Mr. Gladstone's Home Rule Bill:—

### PART I.

#### LEGISLATIVE AUTHORITY.

1.—On and after the appointed day, there shall be established in Ireland *A free Parliament.* a Legislature consisting of Her Majesty the Queen and an Irish Legislative Body.

2.—With the exceptions and subject to the restrictions in this Act *Powers.* mentioned, it shall be lawful for Her Majesty the Queen, by and with the advice of the Irish Legislative Body, to make laws for the peace, order, and good government of Ireland, and by any such law to alter and repeal any law in Ireland.

3.\*—The Legislature of Ireland shall not make laws relating to the *Limitations.* following matters or any of them:—

- (1) The status or dignity of the Crown, or the succession to the Crown or a Regency.
- (2) The making of peace or war.
- (3) The army, navy, militia, volunteers, or other military or naval forces; or the defence of the realm.
- (4) Treaties and other relations with foreign States, or the relations between the various parts of Her Majesty's dominions.
- (5) Dignities or titles of honour.
- (6) Prize or booty of war.

\* Clause 19, sub-section 2, was framed with reference to this Clause exclusively, and not to Clause 4, which was inserted in the draft at a later date. It was intended to limit the sub-section so as to preserve the intention of the framers.—  
W. E. G., August 12, 1886.



- (7) Offences against the law of nations, or offences committed in violation of any treaty made or hereafter to be made between Her Majesty and any foreign State ; or offences committed on the high seas.
- (8) Treason, alienage, or naturalization.
- (9) Trade, navigation, or quarantine.
- (10) The postal and telegraph service, except as hereafter in this Act mentioned with respect to the transmission of letters and telegrams in Ireland.
- (11) Beacons, lighthouses, or sea marks.
- (12) The coinage, the value of foreign money, legal tender, or weights and measures ; or
- (13) Copyright, patent rights, or other exclusive rights to the use or profits of any works or inventions.

Any law made in contravention of this section shall be void.

*Further  
limitations.*

4.—The Irish Legislature shall not make any law—

- (1) Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof ; or
- (2) Imposing any disability or conferring any privilege on account of religious belief ; or
- (3) Abrogating or derogating from the right to establish or maintain any place of denominational education, or any denominational institution or charity ; or
- (4) Prejudicially affecting the right of any child to attend a school receiving public money, without attending the religious instruction at that school ; or
- (5) Impairing, without either the leave of Her Majesty in Council first obtained, on an address presented by the Legislative Body of Ireland, or the consent of the corporation interested, the rights, property, or privileges of any existing corporation, incorporated by Royal Charter or local or general Act of Parliament ; or
- (6) Imposing or relating to duties of Customs and duties of Excise, as defined by this Act, or either of such duties, or affecting any Act relating to such duties, or either of them ; or
- (7) Affecting this Act except in so far as it is declared to be alterable by the Irish Legislature.

*Queen's  
prerogative.*

5.—Her Majesty the Queen shall have the same prerogatives with respect to summoning, proroguing, and dissolving the Irish Legislative Body as Her Majesty has with respect to summoning, proroguing, and dissolving the Imperial Parliament.

*A five years'  
Parliament.*

6.—The Irish Legislative Body, whenever summoned, may have continuance for five years and no longer, to be reckoned from the day on which any such Legislative Body is appointed to meet.

## EXECUTIVE AUTHORITY.

- 7.—(1) The Executive Government of Ireland shall continue vested in Her Majesty, and shall be carried on by the Lord-Lieutenant on behalf of Her Majesty, with the aid of such officers and such Council as to Her Majesty may from time to time seem fit. *Lord-Lieutenant's powers.*
- (2) Subject to any instructions which may from time to time be given by Her Majesty, the Lord-Lieutenant shall give or withhold the assent of Her Majesty to bills passed by the Irish Legislative Body, and shall exercise the prerogatives of Her Majesty in respect of the summoning, proroguing, and dissolving of the Irish Legislative Body, and any prerogatives the exercise of which may be delegated to him by Her Majesty.

8.—Her Majesty may, by Order in Council, from time to time, place *Royal lands.* under the control of the Irish Government, for the purposes of that Government, any such lands and buildings in Ireland as may be vested in, or held in trust for, Her Majesty.

## CONSTITUTION OF LEGISLATIVE BODY.

- 9.—(1) The Irish Legislative Body shall consist of a First and Second Order. *First and Second Orders.*
- (2) The two Orders shall deliberate together, and shall vote together, except that if any question arises in relation to legislation, or to the standing orders, or rules of procedure, or to any other matter in that behalf in this Act specified, and such question is to be determined by vote, each Order shall, if a majority of the members present of either Order demand a separate vote, give their votes in like manner as if they were separate legislative bodies, and if the result of the voting of the two Orders does not agree, the question shall be resolved in the negative.
- 10.—(1) The First Order of the Irish Legislative Body shall consist of *Election and powers of First Order.* one hundred and three members, of whom seventy-five shall be elective members, and twenty-eight peerage members. Each elective member shall, at the date of his election, and during his period of membership, be *bona fide* possessed of property which,
- (a) If realty, or partly realty and partly personalty, yields two hundred pounds a year or upwards, free of all charges; or
- (b) If personalty, yields the same income, or is of the capital value of £4000 or upwards, free of all charges.
- (2) For the purpose of electing the elective members of the First Order of the Legislative Body, Ireland shall be divided into the electoral districts specified in the first schedule to this Act, and each such district shall return the number of members in that behalf specified in that schedule.
- (3) The elective members shall be elected by the registered electors of

each electoral district, and for that purpose a register of electors shall be made annually.

- £25 franchise.* (4) An elector in each electoral district shall be qualified as follows, that is to say:—He shall be of full age, and not subject to any legal incapacity, and shall have been during the twelve months next preceding the twentieth day of July in any year the owner or occupier of some land or tenement within the district of a nett annual value of twenty-five pounds or upwards.
- (5) The term of office of an elective member shall be ten years.
- (6) In every fifth year thirty-seven or thirty-eight of the elective members, as the case requires, shall retire from office, and their places shall be filled by election. The members to retire shall be those who have been members for the longest time without re-election.
- (7) The offices of the peerage members shall be filled as follows, that is to say:—
- (a) Each of the Irish peers who on the appointed day is one of the twenty-eight Irish representative peers shall, on giving his written assent to the Lord-Lieutenant, become a peerage member of the First Order of the Irish Legislative Body, and if at any time within thirty years after the appointed day any such peer vacates his office by death or resignation, the vacancy shall be filled by the election to that office by the Irish peers of one of their number in manner heretofore in use respecting the election of Irish representative peers, subject to adaptation as provided by this Act; and if the vacancy is not so filled within the proper time it shall be filled by the election of an elective member.
- (b) If any of the twenty-eight peers aforesaid does not within one month after the appointed day give such assent to be a peerage member of the First Order, the vacancy so created shall be filled up as if he had assented and vacated his office by resignation.
- (8) A peerage member shall be entitled to hold office during his life or until the expiry of thirty years from the appointed day, whichever period is the shortest. At the expiration of such thirty years the offices of all the peerage members shall be vacated, as if they were dead; and their places shall be filled by elective members qualified and elected in manner provided by this Act with respect to elective members of the First Order, and such elective members may be distributed by the Irish Legislature among the electoral districts, so, however, that care shall be taken to give additional members to the most populous places.
- (9) The offices of members of the First Order shall not be vacated by the dissolution of the Legislative Body.
- (10) The provisions in the second schedule to this Act relating to members of the First Order of the Legislative Body shall be of the same force as if they were enacted in the body of this Act.

- 11.—(1) Subject as in this section hereafter mentioned, the Second Order of the Legislative Body shall consist of two hundred and four members. *Election and powers of Second Order.*
- (2) The members of the Second Order shall be chosen by the existing constituencies of Ireland—two by each constituency, with the exception of the city of Cork, which shall be divided into two divisions, in manner set forth in the third schedule to this Act, and two members shall be chosen by each of such divisions.
- (3) Any person who on the appointed day is a member representing an existing Irish constituency in the House of Commons shall, on giving his written assent to the Lord-Lieutenant, become a member of the Second Order of the Irish Legislative Body as if he had been elected by the constituency which he was representing in the House of Commons. Each of the members for the city of Cork, on the said day, may elect for which of the divisions of that city he wishes to be deemed to have been elected.
- (4) If any member does not give such written assent within one month after the appointed day, his place shall be filled by election in the same manner and at the same time as if he had assented and vacated his office by death.
- (5) If the same person is elected to both Orders, he shall within seven days after the meeting of the Legislative Body, or if the body is not sitting at the time of the election within seven days after the election, elect in which Order he will serve, and his membership of the other Order shall be void, and be filled by a fresh election.
- (6) Notwithstanding anything in this Act, it shall be lawful for the Legislature of Ireland at any time to pass an Act enabling the Royal University of Ireland to return not more than two members to the Second Order of the Irish Legislative Body, in addition to the number of members above mentioned.
- (7) Notwithstanding anything in this Act, it shall be lawful for the Irish Legislature, after the first dissolution of the Legislative Body which occurs, to alter the constitution or election of the Second Order of that body, due regard being had in the distribution of members to the population of the constituencies, provided that no alteration shall be made in the number of such Order.

## FINANCE.

- 12.—(1) For the purpose of providing for the public service of Ireland, *Power to tax.* the Irish Legislature may impose taxes other than duties of Customs or Excise, as defined by this Act, which duties shall continue to be imposed and levied by and under the direction of the Imperial Parliament only.
- (2) On and after the appointed day there shall be an Irish Consolidated Fund separate from the Consolidated Fund of the United Kingdom. *An Irish Consolidated Fund.*

*Land Purchase Bill.*

- (3) All taxes imposed by the Legislature of Ireland, and all other public revenues under the control of the Government of Ireland, shall, subject to any provisions touching the disposal thereof contained in any Act passed in the present session respecting the sale and purchase of land in Ireland, be paid into the Irish Consolidated Fund, and be appropriated to the public service of Ireland according to law.

*Annual contribution to Britain.*

- 13.—(1) Subject to the provisions for the reduction or cesser thereof in this section mentioned, there shall be made, on the part of Ireland to the Consolidated Fund of the United Kingdom, the following annual contribution in every financial year, that is to say :—

- (a) The sum of one million four hundred and sixty-six thousand pounds, on account of the interest on and management of the Irish share of the National Debt.
- (b) The sum of one million six hundred and sixty-six thousand pounds on account of the expenditure on the army and navy of the United Kingdom.
- (c) The sum of one hundred and ten thousand pounds on account of the Imperial Civil expenditure of the United Kingdom.
- (d) The sum of one million pounds on account of the Royal Irish Constabulary and the Dublin Metropolitan Police.
- (2) During the period of thirty years from this section taking effect, the said annual contributions shall not be increased, but may be reduced or cease, as hereinafter mentioned. After the expiration of the said thirty years, the said contribution shall, save as otherwise provided by this section, continue until altered in manner provided with respect to the alteration of this Act.

*The National Debt.*

- (3) The Irish share of the National Debt shall be reckoned at forty-eight million pounds Bank annuities, and there shall be paid in every financial year on behalf of Ireland to the Commissioners for the Reduction of the National Debt an annual sum of three hundred and sixty thousand pounds, and the permanent annual charge for the National Debt on the Consolidated Fund of the United Kingdom shall be reduced by that amount, and the said annual sum shall be applied by the said Commissioners as a sinking fund for the redemption of the National Debt, and the Irish share of the National Debt shall be reduced by the amount of the National Debt so redeemed, and the said annual contribution on account of the interest on and management of the Irish share of the National Debt shall from time to time be reduced by a sum equal to the interest upon the amount of the National Debt from time to time so redeemed, but that last-mentioned sum shall be paid annually to the Commissioners for the Reduction of the National Debt in addition to the above-mentioned annual sinking fund, and shall be so paid and be applied as if it were part of that sinking fund.
- (4) As soon as an amount of the National Debt equal to the said Irish share thereof has been redeemed under the provisions of this section,

the said annual contribution on account of the interest on and management of the Irish share of the National Debt and the said annual sum for a sinking fund shall cease.

- 5) If it appears to Her Majesty that the expenditure in respect of the army and navy of the United Kingdom, or in respect of Imperial Civil expenditure of the United Kingdom for any financial year has been less than fifteen times the amount of the contributions above named on account of the same matter, a sum equal to one-fifteenth part of the diminution shall be deducted from the current annual contribution for the same matter.
- 6) The sum paid from time to time by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the Consolidated Fund of the United Kingdom, on account of the hereditary revenues of the Crown in Ireland, shall be credited to the Irish Government, and go in reduction of the said annual contribution payable on account of the Imperial Civil expenditure of the United Kingdom, but shall not be taken into account in calculating whether such diminution, as above mentioned, has or has not taken place in such expenditure.
- (7) If it appears to Her Majesty that the expenditure in respect of the Royal Irish Constabulary and the Dublin Metropolitan Police for any financial year has been less than the contribution above named on account of such constabulary and police, the current contribution shall be diminished by the amount of such difference.
- (8) This section shall take effect from and after the thirty-first day of March, one thousand eight hundred and eighty-seven.
- 14.—(1) On and after such day as the Treasury may direct, all moneys from time to time collected in Ireland on account of the duties of Customs and Excise duties. Customs or the duties of Excise, as defined by this Act, shall, under such regulations as the Treasury from time to time make, be carried to a separate account (in this Act referred to as the Customs and Excise Account), and applied in the payment of the following sums in priority, as mentioned in this section, that is to say:—

First, of such sum as is from time to time directed by the Treasury in respect of the costs, charges, and expenses of and incident to the collection and management of the said duties in Ireland, not exceeding four per cent. of the amount collected there.

Secondly, of the annual contributions required by this Act to be made to the Consolidated Fund of the United Kingdom.

Thirdly, of the annual sums required by this Act to be paid to the Commissioners for the Reduction of the National Debt.

Fourthly, of all sums by this Act declared to be payable out of the moneys carried to the Customs and Excise Account.

Fifthly, of all sums due to the Consolidated Fund of the United Kingdom for interest or sinking fund in respect of any loans made by the issue of Bank annuities or otherwise to the Government of Ireland under *Land Purchase Act.*

any Act passed in the present session relating to the purchase and sale of land in Ireland, so far as such sums are not defrayed out of the moneys received under such Act.

(2) So much of the moneys carried to a separate account under this section as the Treasury consider are not, or are not likely to be, required to meet the above-mentioned payments, shall from time to time be paid over, and applied as part of the public revenues under the control of the Irish Government.

15.—(1) There shall be charged on the Irish Consolidated Fund in priority, as mentioned in this section—

First, such portion of the sums directed by this Act to be paid out of the moneys carried to the Customs and Excise Account in priority to any payment for the public revenues of Ireland as those moneys are insufficient to pay.

Secondly, all sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund.

Thirdly, all sums which at the passing of this Act are charged on the Consolidated Fund of the United Kingdom in respect of Irish services of other than the salary of the Lord-Lieutenant.

Fourthly, the salaries of all Judges of the Supreme Court of Judicature or other superior Court in Ireland, or of any county or other like Court who are appointed after the passing of this Act, and the pension of such Judges.

Fifthly, any other sums charged by this Act on the Irish Consolidated Fund.

*Power to tax.*

(2) It shall be the duty of the Legislature of Ireland to impose all such taxes, duties, or imposts as will raise a sufficient revenue to meet all sums charged for the time being on the Irish Consolidated Fund.

*Irish Church property.*

16.—(1) Until all charges which are payable out of the Church property in Ireland, and are guaranteed by the Treasury, have been fully paid, the Irish Land Commission shall continue as heretofore to exist, with such commissioners and officers receiving such salaries as the Treasury may from time to time appoint, and to administer the Church property and apply the income and other money receivable therefrom; and so much of the salaries of such commissioners and officers and expenses of the office as is not paid out of the Church property shall be paid out of moneys carried to the Customs and Excise Account under this Act, and, if these moneys are insufficient, out of the Consolidated Fund of Ireland, and if not so paid shall be paid out of moneys provided by Parliament—

Provided as follows:—

(a) All charges on the Church property for which a guarantee has been given by the Treasury before the passing of this Act shall, so far as they are not paid out of such property, be paid out of the moneys carried to the Customs and Excise Account under this Act, and, if

such moneys are insufficient, the Consolidated Fund of Ireland, without prejudice, nevertheless, to the guarantee of the Treasury.

- (b) All charges on the Church property for which no guarantee has been given by the Treasury before the passing of this Act shall be charged on the Consolidated Fund of Ireland, but shall not be guaranteed by the Treasury nor charged on the Consolidated Fund of the United Kingdom.
- (2) Subject to any existing charges on the Church property, such property shall belong to the Irish Government, and any portion of the annual revenue thereof as the Treasury on the application of the Irish Government certify at the end of any financial year not to be required for meeting charges, and shall be paid over and applied as part of the public revenues under the control of the Irish Government.
- (3) As soon as all charges on the Church property guaranteed by the Treasury have been paid, such property may be managed and administered and, subject to existing charges thereon, disposed of, and the income or proceeds thereby applied in such manner as the Irish Legislature may from time to time direct.
- (4) "Church property" in this section means all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Act Amendment Act, 1881.
- 17.—(1) All sums due for principal or interest to the Public Works *Public loans.* Loan Commissioners or to the Commissioners of Public Works in Ireland in respect of existing loans advanced on any security in Ireland, shall on and after the day appointed be due to the Government of Ireland instead of the said Commissioners, and such body of persons as the Government of Ireland may appoint for the purpose shall have all the powers of the said Commissioners or their secretary for enforcing payment of such sums, and all securities for such sums given to such Commissioners or their secretary shall have effect as if the said body were therein substituted for those Commissioners or their secretary.
- (2) For the repayment of the said loans to the Consolidated Fund of the United Kingdom the Irish Government shall pay annually into that fund, by half-yearly payments on the first day of January and the first day of July, or on such other days as may be agreed on, such instalments of the principal of the said loans as will discharge all the loans within thirty years from the appointed day, and shall also pay interest, half-yearly, on so much of the said principal as from time to time remains unpaid at the rate of three per cent. per annum, and such instalments of principal and interest shall be paid out of the moneys carried to the Customs and Excise Account under this Act, and, if those are insufficient, out of the Consolidated Fund of Ireland.

18.—If Her Majesty declares that a state of war exists, and is pleased *War vote* to signify such declaration to the Irish Legislative Body by speech or



message, it shall be lawful for the Irish Legislature to appropriate a further sum out of the Consolidated Fund of Ireland in aid of the army, or navy, or other measures which Her Majesty may take for the prosecution of the war and defence of the realm, and to provide and raise money for that purpose ; and all moneys so provided and raised, whether by loan, taxation, or otherwise, shall be paid into the Consolidated Fund of the United Kingdom.

*Limitations in taxation.* 19.—(1) It shall not be lawful for the Irish Legislative Body to adopt or pass any vote, resolution, address, or bill for the raising or appropriation for any purpose of any part of the public revenue of Ireland, or of any tax, duty, or impost, except in pursuance of a recommendation from Her Majesty signified through the Lord-Lieutenant in the session in which such vote, resolution, address, or bill is proposed.

*Power to vote money.* (2) Notwithstanding that the Irish Legislature is prohibited by this Act from making laws relating to certain subjects, that Legislature may, with the assent of Her Majesty in Council first obtained, appropriate any part of the Irish public revenue, or any tax, duty, or impost imposed by such Legislature, for the purpose of or in connection with such subjects.

*Exchequer Court retained.* 20.—(1) On and after the appointed day the Exchequer Division of the High Court of Justice shall continue to be a Court of Exchequer for revenue purposes under this Act, and whenever any vacancy occurs in the office of any Judge of such Exchequer Division his successor shall be appointed by Her Majesty, on the joint recommendation of the Lord-Lieutenant of Ireland and the Lord High Chancellor of Great Britain.

(2) The Judges of such Exchequer Division appointed after the passing of this Act shall be removable only by Her Majesty on address from the two Houses of the Imperial Parliament, and shall receive the same salaries and pensions as those payable at the passing of this Act to the existing Judges of such division, unless, with the assent of Her Majesty in Council first obtained, the Irish Legislature alters such salaries or pensions, and such salaries and pensions shall be paid out of the moneys carried to the Customs and Excise Account in pursuance of this Act, and, if the same are insufficient, shall be paid out of the Irish Consolidated Fund, and if not so paid shall be paid out of the Consolidated Fund of the United Kingdom.

(3) An alteration of any rules relating to the procedure in such legal proceedings mentioned in this section shall not be made except with the approval of the Lord High Chancellor of Great Britain, and the sittings of Exchequer Division and the Judges thereof shall be regulated with the like approval.

(4) \*All legal proceedings instituted in Ireland by or against the

\* It was the intention of this sub-section to place every force of Her Majesty in Ireland at the command of the Court of Exchequer for the enforcement of its

Commissioners or any officers of Customs or Excise or the Treasury shall, if so required by any party to such proceeding, be heard and determined before the Judges of such Exchequer Division, or some or one of them, and any appeal from the decision in any such legal proceeding, if by a Judge shall lie to the said division, and if by the Exchequer Division shall lie to the House of Lords, and not to any other tribunal; and if it is made to appear to such Judges, or any of them, that any decree or judgment in any such proceedings as aforesaid has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such Judge or Judges shall appoint some officer to enforce such judgment or decree; and it shall be the duty of such officer to take proper steps to enforce the same, and for that purpose such officer and all persons employed by him shall be entitled to the same immunities, powers, and privileges as are by law conferred on a sheriff and his officers.

- (5) All sums recovered in respect of duties of Customs and Excise, or under any Act relating thereto, or by an officer of Customs or Excise, shall, notwithstanding anything in any other Act, be paid to the Treasury, and carried to the Customs and Excise Account under this Act.

#### POLICE.

21.—The following regulations shall be made with respect to police in Ireland :—

- (a) The Dublin Metropolitan Police shall continue and be subject as *Dublin police*. heretofore to the control of the Lord-Lieutenant, as representing Her Majesty, for a period of two years from the passing of this Act, and thereafter until any alteration is made by Act of the Legislature of Ireland, but such Act shall provide for the proper saving of all then existing interests, whether as regards pay, pensions, superannuation allowances, or otherwise.
- (b) The Royal Irish Constabulary shall, while that force subsists, continue *Irish Constabulary*. and be subject as heretofore to the control of the Lord-Lieutenant as representing Her Majesty.
- (c) The Irish Legislature may provide for the establishment and main- *Burghs, etc.* tenance of a police force in counties and burghs in Ireland, under the control of local authorities, and arrangements may be made between the Treasury and the Irish Government for the establishment and maintenance of police reserves.

decrees in matters of revenue. It was argued by an opponent of the bill that the words of this sub-section were insufficient to the purpose. If this had been shown in the Committee, the framers of the bill would have proposed to enlarge them accordingly.—W. E. G., August 12, 1886.

## PART II.

## SUPPLEMENTAL PROVISIONS.

## POWERS OF HER MAJESTY.

22.—On and after the appointed day there shall be reserved to Her Majesty—

*Forts, magazines, etc.*

- (1) The power of erecting forts, magazines, arsenals, dockyards, and other buildings for military or naval purposes.
- (2) The power of taking waste land and, on making due compensation, any other land for the purpose of erecting such forts, magazines, arsenals, dockyards, or other buildings as aforesaid, and for any other military or naval purpose or the defence of the nation.

## LEGISLATIVE BODY.

*Two Orders disagreeing.*

23.—If a bill, or any provisions of a bill, is lost by disagreement between the two Orders of the Legislative Body, and after a period ending with a dissolution of the Legislative Body or the period of three years, whichever period is longest, such bill, or a bill containing the said provision, is again considered by the Legislative Body, and such bill or provision is adopted by the second Order and negatived by the first Order, the same shall be submitted to the whole Legislative Body, both Orders of which shall vote together on the bill or provision, and the same shall be adopted or rejected according to the decision of the majority of the members so voting together.

*Irish representation to cease.*

24.—On and after the appointed day Ireland shall cease, except in the event hereafter in this Act mentioned, to return representative peers to the House of Lords or members to the House of Commons, and the persons who on the said day are such representative peers and members shall cease as such to be members of the House of Lords and House of Commons respectively.

## DECISION OF CONSTITUTIONAL QUESTIONS.

*Arbitration of disputes.*

25.—Questions arising as to the powers conferred on the Legislature of Ireland under this Act shall be determined as follows :—

- (a) If any such question arises on any bill passed by the Legislative Body, the Lord-Lieutenant may refer such question to Her Majesty in Council.
- (b) If in the course of any action or other legal proceedings such question arises on any Act of the Irish Legislature, any party to such action or other legal proceeding may, subject to the rules in this section mentioned, appeal for a decision on such question to Her Majesty in Council.

- (c) If any such question arises otherwise than as aforesaid on any Act of the Irish Legislature, the Lord-Lieutenant or one of Her Majesty's principal Secretaries of State may refer such question to Her Majesty in Council.
- (d) Any question referred or appeal brought under this section to Her Majesty in Council shall be referred for the consideration of the Judicial Committee of the Privy Council.
- (e) The decision of Her Majesty in Council on any question referred or appeal brought under this section shall be final, and a bill which may be so decided to be or contain a provision in excess of the powers of the Irish Legislature shall not be assented to by the Lord-Lieutenant, and a provision of any Act which is so decided to be in excess of the powers of the Irish Legislature shall be void. *Rights of appeal.*
- (f) There shall be added to the Judicial Committee, when sitting for the purpose of considering questions under this section, such members of Her Majesty's Privy Council being, or having been, Irish Judges as to Her Majesty may seem meet.
- (g) Her Majesty may, by Order in Council, from time to time make rules as to the cases and mode in which, and the conditions under which, in pursuance of this section, questions may be referred and appeals be brought to Her Majesty in Council, and as to the consideration thereof by the Judicial Committee of the Privy Council, and any rules so made shall be of the same force as if they were enacted in this Act.
- (h) An appeal shall not lie to the House of Lords in respect of any question, in respect to which an appeal can be had to Her Majesty in Council in pursuance of this section.

## LORD-LIEUTENANT.

- 26.—(1) Notwithstanding anything to the contrary contained in any Act of Parliament, every subject of Her Majesty shall be eligible to hold and enjoy the office of Lord-Lieutenant of Ireland, without reference to his religious belief.
- (2) The salary of the Lord-Lieutenant shall continue to be charged on the Consolidated Fund of the United Kingdom, and the expenses of his household and establishment shall continue to be defrayed out of the moneys to be provided by Parliament.
  - (3) All existing powers vested by Act of Parliament or otherwise in the Chief Secretary for Ireland may, if no such officer is appointed, be exercised by the Lord-Lieutenant until other provision is made by Act of the Irish Legislature. *Irish Secretary.*
  - (4) The Legislature of Ireland shall not pass any Act relating to the office or functions of the Lord-Lieutenant of Ireland.

## JUDGES AND CIVIL SERVANTS.

*Judges.*

27.—A Judge of the Supreme Court of Judicature or other Superior Court of Ireland, or of any county Court or other Court with a like jurisdiction in Ireland, appointed after the passing of this Act, shall not be removed from his office except in pursuance of an address to Her Majesty from both Orders of the Legislative Body voting separately, nor shall his salary be diminished or right to pension altered during his continuance in office.

*Civil servants.*

28.—(1) All persons who at the passing of this Act are Judges of the Supreme Court of Judicature, or County Court Judges, or hold any other judicial position in Ireland, shall, if they are removable at present on address to Her Majesty of both Houses of Parliament, continue to be removable only upon such address from both Houses of the Imperial Parliament, and if removable in any other manner shall continue to be removable in like manner as heretofore; and such persons, and also all persons at the passing of this Act in the permanent Civil Service of the Crown in Ireland, whose salaries are charged on the Consolidated Fund of the United Kingdom, shall continue to hold office and to be entitled to the same salaries, pensions, and superannuation allowances as heretofore, and to be liable to perform the same or analogous duties as heretofore, and the salaries of such persons shall be paid out of the moneys carried to the Customs and Excise Account under this Act, or, if these moneys are insufficient, out of the Irish Consolidated Fund, and, if the same are not so paid, shall continue charged on the Consolidated Fund of the United Kingdom.

(2) If any of the said persons retire from office with the approbation of Her Majesty before he has completed the period of service entitling him to a pension, it shall be lawful for Her Majesty, if she thinks fit, to grant to that person such pension, not exceeding the pension to which he would have been entitled if he had completed the said period of service, as to Her Majesty seems meet.

29.—(1) All persons not above provided for, and at the passing of this Act serving in Ireland in the permanent Civil Service of the Crown, shall continue to hold their offices and receive the same salaries, and to be entitled to the same gratuities and superannuation allowances as heretofore, and shall be liable to perform the same duties as heretofore, or duties of similar rank, but any of such persons shall be entitled at the expiration of two years after the passing of this Act to retire from office, and at any time, if required by the Irish Government, shall retire from office, and on any such retirement shall be entitled to receive such payment as the Treasury may award to him in accordance with the provisions contained in the fourth schedule of this Act.

(2) The amount of such payment shall be paid to him out of the moneys

carried to the Customs and Excise Account under this Act, or, if those moneys are insufficient, out of the Irish Consolidated Fund, and, so far as the same are not so paid, shall be paid out of moneys provided by Parliament.

- (3) The Pensions Commutation Act, 1871, shall apply to all persons who, *Pensions.* having retired from office, are entitled to any annual payment under this section, in like manner as if they had retired in consequence of the abolition of their offices.
- (4) This section shall not apply to persons who are retained in the service of the Imperial Government.

30.—Where, before the passing of this Act, any pension or superannuation allowance has been granted to any person on account of services as a Judge of the Supreme Court of Judicature of Ireland, or of any Court consolidated into that Court, or as a County Court Judge, or in any other judicial position, or on account of services in the permanent Civil Service of the Crown in Ireland, otherwise than in some office, the holder of which is, after the passing of this Act, retained in the service of the Imperial Government, such pension or allowance, whether payable out of the Consolidated Fund or out of moneys provided by Parliament, shall continue to be paid to such person, and shall be so paid out of the moneys carried to the Customs and Excise Account under this Act, or if such moneys are insufficient, out of the Irish Consolidated Fund, and, so far as the same is not so paid, shall be paid, as heretofore, out of the Consolidated Fund of the United Kingdom, or moneys provided by Parliament.

#### TRANSITORY PROVISIONS.

31.—The provision contained in the fifth schedule to this Act relating *Incorporation of schedule.* to the mode in which arrangements are to be made for setting in motion the Irish Legislative Body and Government, and for the transfer to the Irish Government of the powers and duties to be transferred to them under this Act, or for otherwise bringing this Act into operation, shall be of the same effect as if they were enacted in the body of this Act.

#### MISCELLANEOUS.

32.—Whenever an Act of the Legislature of Ireland has provided for *Post-Office, Telegraph, and Savings Banks.* carrying on the postal and telegraphic services with respect to the transmission of letters and telegrams in Ireland, and the Post-Office and other Savings Banks in Ireland, for protecting the officers then in such service, and the existing depositors in such Post-Office Savings Banks, the Treasury shall make arrangements for the transfer of the said service and banks in accordance with the said Act, and shall give public notice of the transfer, and shall pay all depositors in such Post-Office Savings Banks who request payment within six months after the date fixed for such transfer, and after the expiration of such six months the said depositors shall cease to have any claim against the Postmaster-General, or the Consolidated Fund

of the United Kingdom, but shall have the like claim against the Consolidated Fund of Ireland ; and the Treasury shall cause to be transferred, in accordance with the said Act, the securities representing the sums due to the said depositors in Post-Office Savings Banks, and the securities held for other Savings Banks.

33.—Save as otherwise provided by the Irish Legislature :

*British  
Auditor, etc.*

- (a) The existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply to the Irish Exchequer and Consolidated Fund ; and an officer shall from time to time be appointed by the Lord-Lieutenant to fill the office of the Comptroller-General of the Receipt and Issue of Her Majesty's Exchequer, and Auditor-General of Public Accounts, so far as respects Ireland ; and
- (b) The accounts of the Irish Consolidated Fund shall be audited as Appropriation Accounts in manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of the holder of such office.

*Privileges of  
Irish Members.*

- 34.—(1) The privileges, immunities, and powers to be held, enjoyed, and exercised by the Irish Legislative Body and the members thereof, shall be such as are from time to time defined by Act of the Irish Legislature, but so that the same shall never exceed those at the passing of this Act, held, enjoyed, and exercised by the House of Commons, and by the members thereof.
- (2) Subject as in this Act mentioned, all existing laws and customs relating to the members of the House of Commons and their election, including the enactments respecting the questioning of elections, corrupt and illegal practices, and registration of electors, shall, so far as applicable, extend to elective members of the First Order, and to members of the Second Order of the Irish Legislative Body.

Provided that—

*Power to alter  
election laws.*

- (a) The law relating to the offices of profit enumerated in Schedule 2 to the Representation of the People Act, 1867, shall apply to such offices of profit in the Government of Ireland, not exceeding ten, as the Legislature of Ireland may from time to time direct.
- (b) After the first dissolution of the Legislative Body, the Legislature of Ireland may, subject to the restrictions in this Act mentioned, alter the laws and customs in this section mentioned.

35.—(1) The Lord-Lieutenant of Ireland may make regulations for the following purposes :—

*Lord-Lieu-  
tenant's  
powers.*

- (a) The summoning of the Legislative Body and the election of a Speaker, and such adaptation to the proceedings of the Legislative Body of the procedure of the House of Commons as appears to him expedient for facilitating the conduct of business by that body on their first meeting ;
- (b) The adaptation of any law relating to the election of representative peers ;

- (c) The adaptation of any laws and customs relating to the House of Commons, or the members thereof, to the elective members of the First Order and to members of the Second Order of the Legislative Body; and
- (d) The mode of signifying their assent or election under this Act by representative peers or Irish members of the House of Commons as regards becoming members of the Irish Legislative Body in pursuance of this Act.
- (2) Any regulations so made shall, in so far as they concern the procedure of the Legislative Body, be subject to alteration by standing orders of that body; and, so far as they concern other matters, be subject to alteration by the Legislature of Ireland, but shall, until alteration, have the same effect as if they were inserted in this Act.

36.—Save as is in this Act provided with respect to matters to be *Irish peerages*. decided by Her Majesty in Council, nothing in this Act shall affect the appellate jurisdiction of the House of Lords in respect to actions and suits in Ireland, or the jurisdiction of the House of Lords to determine the claims to Irish peerages.

37.—Save as herein expressly provided, all matters in relation to which *Power of Imperial Parliament*. it is not competent for the Irish Legislative Body to make or repeal laws shall remain in and be within the exclusive authority of the Imperial Parliament, save as aforesaid, whose power and authority in relation thereto shall in nowise be diminished or restrained by anything herein contained.

- 38.—(1) Except as otherwise provided by this Act, all existing laws in force in Ireland, and all existing courts of civil and criminal jurisdiction, and all existing legal commissions, powers, and authorities, and all existing officers, judicial, administrative, and ministerial, and all existing taxes, licence, and other duties, fees, and other receipts in Ireland, shall continue as if this Act had not been passed, subject nevertheless to be repealed, abolished, or altered in manner and to the extent provided by this Act, provided that, subject to the provisions of this Act, such taxes, duties, fees, and other receipts shall, after the appointed day, form part of the public revenues of Ireland.
- (2) The Commissioners of Inland Revenue and the Commissioners of Customs, and the officers of such Commissioners respectively shall have the same powers in relation to any articles subject to any duty of Excise or Customs, manufactured, imported, kept for sale or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils or conveyance used in connection therewith, or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, selling, or having the custody or possession of the same, as they would have had if this Act had not been passed.



*Act not to be altered.*

- 39.—(1) On and after the appointed day this Act shall not, except such provisions thereof as are declared to be alterable by the Legislature of Ireland, be altered, except
- (a) By Act of the Imperial Parliament, and with the consent of the Irish Legislative Body, testified by an address to Her Majesty, or
  - (b) By an Act of the Imperial Parliament, for the passing of which there shall be summoned to the House of Lords the peerage members of the First Order of the Irish Legislative Body ; and if there are no such members, then twenty-eight Irish representative peers, elected by the Irish peers in manner heretofore in use, subject to adaptation as provided by this Act ; and there shall be summoned to the House of Commons such one of the members of each constituency, or, in the case of a constituency returning four members, such two of those members, as the Legislative Body of Ireland may select ; and such peers and members shall respectively be deemed, for the purpose of passing any such Act, to be members of the said Houses of Parliament respectively.
- (2) For the purposes of this section it shall be lawful for Her Majesty, by Order in Council, to make such provisions for summoning the said peers of Ireland to the House of Lords, and the said members from Ireland to the House of Commons, as to Her Majesty may seem necessary or proper ; and any provisions contained in such Order in Council shall have the same effect as if they had been enacted by Parliament.

*Definition.*

40.—In this section the expression “the appointed day” shall mean such day after thirty-first day of March, in the year one thousand eight hundred and eighty-seven, as may be determined by order of Her Majesty in Council.

The expression “Lord-Lieutenant” includes the Lords Justices, or any other chief governor or governors of Ireland for the time being.

The expression “Her Majesty the Queen,” or “Her Majesty,” or “The Queen,” includes the heirs and successors of Her Majesty the Queen.

The expression “Treasury” means the Commissioners of Her Majesty’s Treasury.

The expression “treaty” includes any convention or arrangement.

The expression “existing” means existing at the passing of this Act.

The expression “existing constituency” means any county or borough, or division of a county or borough, or a university, returning at the passing of this Act a member or members to serve in Parliament.

The expression “duties of Excise” does not include a duty received in respect of any licence, whether for the sale of intoxicating liquors or otherwise.

The expression “financial year” means the twelve months ending on the thirty-first day of March.

41.—This Act may be cited for all purposes as the Irish Government Act, 1886.

## APPENDIX II.

### *THE LAND PURCHASE BILL.*

THE following is the text of the Government Bill to make Amended Provision for the Sale and Purchase of Land in Ireland:—

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—This Act may be cited as the Land (Ireland) Act, 1886.

#### PART I.

##### SALES OF ESTATES.

- 2.—(1) On and after the appointed day and within the time limited by this Act the immediate landlord of any tenanted estate in Ireland to which this Act applies may apply to the State Authority to buy such tenanted estate at the statutory price, and the State Authority shall cause his application to be registered, and the applications so made shall be dealt with according to priority of time. *Landlord may claim purchase.*
- (2) In the event of the purchase of the estate from the landlord being completed, the tenants of the several holdings of which such estate consists shall, except as in this Act mentioned, become, as soon as may be, in manner in this Act mentioned, the owners in fee-simple of their holdings for such consideration as is in this Act mentioned; and where the tenants do not become the owners of their holdings under this Act, the State Authority shall become the owner thereof, and dispose of the same in such manner as the State Authority may think fit. *State to acquire the land.*
- 3.—(1) The statutory price of an estate shall be measured by the amount of the nett rent of the estate. *The price.*

- (2) The nett rent of an estate equals the gross rent of the estate after deducting from that rent the tithe rent-charge, if any, payable to the Land Commission, and the average percentage for expenses in respect of bad debts, rates, or cess allowed or paid by the landlord, management, repairs, and other like outgoings, if any.
- (3) Tithe rent-charges shall be ascertained by the books of the Land Commission, and the average percentage for such expenses as aforesaid shall be ascertained in the case of each estate by taking the average percentage on the rent for the time being of such estate to which such expenses have amounted, during each of the ten years immediately preceding the last gale day, in the year one thousand eight hundred and eighty-five, as ascertained by inspection of the rent rolls and books of the estate, and by other evidence if necessary.

*Twenty years' purchase.*

- 4.—(1) The amount of the statutory price of an estate shall, except as in this Act mentioned, be equal to twenty times the nett rent of the estate ascertained as aforesaid ; and such price shall, subject to such option on the part of the person entitled to receive the same, or taking other annuities or debentures as is in this Act mentioned, be paid by three per cent. perpetual annuities issued under this Act at par.
- (2) There shall be added to the statutory price of an estate a sum equal to the amount of any such arrears of rent coming due after the last gale day in the year 1885, and before the date of purchase, as the Land Commission may certify that the landlord has duly endeavoured, but has been unable to collect ; and such sum shall, subject to the said option, be paid in permanent annuities to the person entitled to such arrears of rent.

5.—The consideration payable by a tenant for his acquisition of the fee-simple of his holding shall be the payment to the State Authority of a capital sum equal to twenty times the amount of the gross rent of the holding, and such sum may either be paid down in whole or in part, or may be paid by an annuity during a period of 49 years equal to four per centum per annum on such capital sum, or so much thereof as is not so paid down ; but such annuity may be at any time redeemed as in this Act mentioned ; provided that where the landlord is legally liable to pay for any repairs, or pays any county cess, or the whole of the poor-rate in respect of a holding, the average annual amount of such repairs and county cess, and half the average annual amount of such poor-rate during the ten years next preceding the last gale day in the year 1885, shall be deducted from the gross rent of the holding in calculating the consideration payable by a tenant in pursuance of this section.

#### PROCEDURE ON SALE OF ESTATE.

*Applications for sale.*

- 6.—(1) The application by an immediate landlord desirous of selling his estate to the State Authority shall be made in the prescribed manner to that Authority, who shall forthwith refer that application to the Land Commission.

- (2) The Land Commission, on the applicant giving the prescribed security for costs, shall satisfy themselves as to his being authorized to make such application according to the Act.
- (3) The Land Commission, if satisfied that the applicant is authorized to make the application, shall fix the price of the estate. *Fixing the price.*
- (4) Where the landlord and State Authority have agreed on the price, the Land Commission shall fix that price as the price of the estate, if satisfied that it does not exceed the statutory price.
- (5) In the absence of such agreement the Land Commission shall ascertain the statutory price, and notify the same to the landlord and the State Authority.
- (6) If the landlord on receiving such notification does not accept the price, he may, within the prescribed time, withdraw his application on payment of such sum for costs as the Land Commission may order, but otherwise the Land Commission shall fix the price so notified as the price of the estate.
- (7) As soon as the price is fixed the Land Commission shall, in the prescribed manner, cause to be carried to the account of the estate the amount of such price, after deducting one per cent. of such price for the costs of purchase and distribution, and the amount so carried to the account of the estate is hereafter referred to as the purchase-money.
- (8) The Land Commission shall also make such orders or do such acts as may be prescribed—
- (a) For vesting each tenanted holding on the estate, except as in this Act mentioned, in the tenant thereof for an estate in fee-simple free from incumbrances, but subject to any annuity due under this Act, for payment of the consideration payable by such tenant for the acquisition of the fee-simple, and with and subject to all rights and easements granted and reserved; provided that the interests so vested in the tenant shall, subject to any such annuity rights and easements as aforesaid, be a graft upon the previous interest of the tenant in the holding, and be subject to any rights or equities arising from its being such graft; and
- (b) For vesting any holding of which the tenant does not, in pursuance of this Act, become the owner in the State Authority, for an estate in fee-simple, free from incumbrances, with and subject to all rights and easements granted or reserved.

## DISTRIBUTION OF PURCHASE-MONEY.

- 7.—(1) As soon as the purchase-money is carried to the account of an *Incumbrances.* estate sold under this Act, the claims of the immediate landlord of all other persons (except the tenant and persons claiming under him) who are interested in the estate, whether as incumbrancers or otherwise, shall attach to such purchase-money in like manner as immedi-

ately before the sale they attached to the estate sold, and shall cease to be of any validity as against the estate, and, subject as in this Act mentioned, shall be discharged or redeemed out of such purchase-money, and the Land Commission shall determine the rights and priorities of the landlord and such other persons, and shall distribute the purchase-money in accordance with such rights and priorities.

*Price—how  
paid.*

- (2) The distribution of the purchase-money shall be effected by the transfer or appropriation, in the prescribed manner, to or in trust for the person entitled to the same, or any part thereof, of a sum of three per cent. perpetual annuities at par, equal to the amount to which such person is entitled, subject to the option in this Act mentioned of taking other perpetual annuities or debentures or cash; and such distribution shall be made without cost to the persons so entitled, and a reasonable sum for costs may be allowed by the Land Commission to such persons for proving their title upon such distribution, and may be paid as part of the costs of the Land Commission; provided that this provision as to the payment of cost shall not extend to any expense which is caused by disputed titles or disputed priorities, or by unnecessary or unreasonable proceedings, or by the failure of any person to comply with the prescribed regulations, or by any other act or default of the parties which appears to the Land Commission to make it just that the parties, or any of them, should pay the costs, in which case they may order such parties to pay the costs caused as aforesaid, or such part thereof as to the Commission seems proper.
- (3) Where the purchase-money, or any part thereof, so appropriated or transferred, is not immediately distributable, or the persons entitled thereto cannot be ascertained, or where from any other cause the Land Commission thinks it expedient for the protection of the rights of the persons interested, then, subject to prescribed regulations, the Land Commission shall, as the case requires, either retain the same under their control or deal with the same in manner provided by the Settled Land Act, 1882, with respect to capital money arising under that Act, and may by order declare the trusts affecting such money or share so far as the Land Commission has ascertained the same, or state the facts or matters found by it in relation to the rights and interests therein; and the Land Commission may from time to time make such orders in respect to any purchase-money or share, and the investment or application thereof, or the payment thereof, or the annual income thereof, to the persons interested, as the circumstances of the case may require.

#### RULES AS TO INCUMBRANCES.

*Chief rents.*

- 8.—(1) Where any estate in course of sale under this Act is subject to any chief rent as defined by this Act, the statutory price of such chief rents shall be ascertained by the Land Commission in manner in this section mentioned; and notice shall be given to the State Authority

of the amount of such chief rent, and the statutory price thereof, and such Authority shall, within the prescribed time after receipt of the notice, signify to the Land Commission whether such Authority will continue to pay the chief rent, or redeem the same forthwith; but where such chief rent is a Crown rent, the same shall be redeemed forthwith.

- (2) If the State Authority signify to the Land Commission their option to continue to pay the chief rent, such chief rent shall be paid out of the land revenues in this Act mentioned; but the State Authority may at any time redeem the chief rent by payment of the statutory price thereof, or of any less sum which may be agreed upon between such Authority and the owners of the chief rent.
- (3) Where a chief rent is redeemed forthwith, the statutory price of the chief rent shall be added to the statutory price of the estate, and after the like deduction for costs shall be carried to the account of the estate and distributed in like manner as the statutory price.
- (4) The statutory price of a chief rent shall be measured by the nett amount thereof; that is to say, by the sum receivable by the owner of the chief rent, after deducting therefrom the like deductions ascertained in like manner as in the case of an estate, and the statutory price of such chief rent shall be equal in the case of a Crown rent to twenty-four times, and in the case of any other chief rent to twenty-two times, the amount of such nett rent ascertained as aforesaid.
- (5) In ascertaining for the purpose of this Act the nett rent of the estate subject to a chief rent, that chief rent shall be deducted from the gross rent.

9.—All such incumbrances other than chief rents as are not otherwise provided for in this Act shall be valued at such price as may be agreed upon between the parties interested, and, if there is no agreement, at such price as may be determined by the Land Commission to be the market value thereof, subject as follows:—

- (1) Annual sums, such as jointures and other sums, the payment of which *Jointures.* depends on a life or lives, shall be valued at the then present value of such sums, according to the tables in use by the Commissioners for the Reduction of the National Debt for the grant of life annuities, provided that—
  - (a) If the person liable to pay such jointure requests that a portion of the purchase-money, sufficient to meet such annual sum, shall be set apart, and the annual sum shall continue to be paid, such request shall be complied with; and
  - (b) If such person is a tenant for life, provision may be made, in such manner as to the Land Commission seems equitable, for securing the remainder man against the loss which he might suffer by the redemption of such annual sum at the then present value.

*Drainage charges.*

- 2) Drainage charges and any charges payable only for a number of years, and not being chief rents, shall be valued at their then present value, interest being taken at the rate adopted in the creation thereof, or if none was so adopted, at three per cent. per annum.
- (3) Capital sums shall be valued at the amount of the sums for the time being due.

10.—Where a chief rent, or head rent, or tithe rent-charge is charged on any other estate as well as on the estate sold, the Land Commission shall apportion the chief or head rent or tithe rent-charge between the estates sold and the other estate on which the rent or rent-charge is charged in such manner as to them seems equitable, and such portion of the rent or rent-charge as is apportioned to the estate in course of sale shall alone be deemed to be the chief or head rent or tithe rent chargeable on that estate.

#### RIGHTS OF COMMON AND OTHER RIGHTS.

*Common rights.*

- 11.—(1) Where any beneficial rights of common pasturage, sporting, fishing, turbarry, or cutting timber, or rights of way or other rights are exercisable over a tenanted estate sold under this Act, or exercisable over any other land as incident to the tenure by the landlord of such tenanted estate, or where the landlord of any such estate is the owner of any timber thereon, such rights, and the ownership of such timber, shall be dealt with in the manner provided by the first schedule to this Act.

*Minerals.*

- (2) Where there is reasonable cause to suppose that there are valuable minerals under a tenanted estate sold under this Act, there shall be added to the statutory price of the estate such sum as the Land Commissioners determine in respect to the value of such minerals, and such minerals shall vest in the State Authority, or in such local body as the Irish Legislature may provide, with full power to such Authority or body, or to persons authorized by them, to enter and do everything necessary for getting the same, paying, nevertheless, compensation for all damage done in so doing to the tenant or other person who suffered the same.

*Pasturage.*

- 12.—(1) Where the tenants of any estate proposed for sale under this Act have been accustomed, whether of right or as incident to their tenancy or by permission, to exercise or enjoy any right or privilege of turbarry, common pasturage, taking seaweed, or other right or privilege, the State Authority may refuse to purchase that estate unless such arrangements are made as satisfy the Land Commission that the tenants will enjoy the same right or privilege.

*Bog.*

- (2) Where the landlord of any tenanted estate proposed to be sold under this Act possesses any bog in the neighbourhood of such estate, the landlord may, and if the State Authority so require shall, also sell such bog to the State Authority, and this Act shall apply to such bog as if it were part of the tenanted estate, provided that such bog shall

either be vested in the State Authority or in such local body as the Irish Legislature may provide, for the purpose of giving to the tenants of the estate or inhabitants of the neighbourhood rights or privileges of turbary, or, if the Land Commission think fit, may be apportioned among the tenants of the estate, inhabitants, or other persons, and in either case such payments shall be required from such tenants, inhabitants, or other persons as the Land Commission may consider sufficient to repay the State Authority for the price.

MODIFICATIONS OF GENERAL TERMS OF PURCHASE.

13.—The Land Commission, in ascertaining the deductions to be made from the gross rent of any estate for the purpose of arriving at the nett rent, shall take into account any circumstances which make it inequitable to follow strictly the rules laid down by this Act for finding the nett rent, and shall deal with the case in such manner as they think most consistent with justice. *How price to be fixed.*

14.—Where a tenant of a holding or an estate in course of sale under this Act holds a beneficial lease—that is to say, a lease the rent received by which is less than the rent which would be fixed as the judicial rent, the following provisions shall apply :—

- (a) In ascertaining the statutory price of the estate, the gross and nett rental of such holding shall be ascertained in like manner as if there were no lease ; but a proper deduction shall be made from the statutory price in respect of the value of such beneficial lease, due regard being had to the additional security which the landlord has for the rent by reason of the existence of such lease.
- (b) In determining the consideration to be paid by the tenant in respect of his acquisition of the fee-simple of his holding, an addition shall be made on account of increase of rent at the period corresponding with the end of his lease, and the terms of the annuity payable as the consideration for the purchase of his holding may be varied for that purpose, so, however, that he shall not be required to pay during a period corresponding with the term of his lease any sum in excess of the rent under the lease, after deducting the average sum allowed in respect of poor-rate or county cess during the ten years next before the last gale day in the year one thousand eight hundred and eighty-five.

15.—Where it appears to the Land Commission that by reason of the character or impoverished condition of any estate, or the tenants thereof, the statutory price as ascertained under the Act is higher than the market value of the estate, or where for any other reason it appears to the Land Commission that it is inequitable that the State Authority should be required to buy an estate at the price ascertained under this Act, the Land Commission may make a declaration to that effect, and thereupon the State Authority shall not be required to purchase the same *Poor estates.*



unless the landlord accept any lower price which the Land Commission declare to be equitable.

*May give 22  
years  
purchase.*

16.—Whereas in exceptional cases it may be just that the statutory price paid for an estate should be more than twenty times the nett rent of the estate, as ascertained in the manner provided by this Act, be it enacted that where it appears to the Land Commission that from the exceptionally good condition of an estate, or from the exceptional prosperity of the tenants, or from any other exceptional circumstances, the statutory price of twenty times the nett rent would be an insufficient price, the Land Commission may award, as the statutory price of such an estate, a sum not exceeding twenty-two times the nett rent of the estate, as ascertained in manner provided by this Act.

*State to  
acquire estates.*

17.—Where an estate sold under this Act is situate in any district mentioned in the second schedule hereto, the holdings thereon shall not vest in the tenants, and the State Authority on completion of the sale shall become the owner thereof, and the provisions of this Act respecting the vesting of holdings in the State Authority shall apply.

18.—A tenant of a holding valued under the Acts relating to the valuation of rateable property in Ireland at an annual value not exceeding £4 a year may, on application to the Land Commission, express his dissent from such holding vesting in him in the manner provided by this Act, and thereupon no such vesting shall take place, and the State Authority shall become the owner of such holding, and the provisions of this Act respecting the vesting of holdings in the State Authority shall apply.

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## PART II.

### LAND COMMISSION.

*A Land Com-  
mission.*

- 19.—(1) The Land Commission for the purpose of this Act shall consist of the following persons, that is to say :—
- (2) If any vacancy takes place in the office of any such Commissioner, Her Majesty may, by warrant under her Royal sign-manual, appoint a fit person to fill the vacancy.
  - (3) The Commissioners for the purposes of this Act shall continue in office during the pleasure of Her Majesty, and shall each be paid out of moneys carried to the Customs and Excise Account, under the Irish Government Act, 1886, such salaries as may be determined by the Treasury.
  - (4) Subject to any rules that may be made in pursuance of this Act, any matter authorized to be done by this Act may be done by any one or two of the Commissioners, but if any landlord, incumbrancer, or other person, or the State Authority, feels aggrieved by the decision of such Commissioner or Commissioners, such landlord, incumbrancer, person, or Authority may have his case reheard before a court consisting of not less than three Commissioners.

20.—(1) The Land Commission shall have such officers for the purpose of this Act and with such salaries as the Treasury may assign. Such officers may be appointed and removed in such manner as may be provided by the regulations of the Treasury. The salaries of such officers and the expenses of the office of the Land Commission shall, so far as they are not otherwise provided for by law, be paid out of moneys carried to the Customs and Excise Account under the Irish Government Act, 1886.

(2) Any officer attached to the Land Judges Branch of the Chancery Division of the High Court of Justice, or to the Court of either of the said judges, may, with his consent, be transferred to the office of the Land Commission, or discharge such duties under this Act as the Land Commission may assign to him, and in either case may be awarded such remuneration for his services as the Treasury may determine.

21.—The Land Commission shall be a superior Court of Record, and shall, for the purposes of this Act, have, in addition to the powers already possessed by them, all powers vested in or exercisable by the Land Judges, and may exercise such powers in relation to any person or matter within their jurisdiction.

22.—If the Land Commission desire to have a legal decision upon any *Appeals*. point arising in the exercise of their powers under this Court, the Commission may submit a case to the Court of Appeal, and the Court shall hear the case as nearly as may be in like manner as if it were an appeal in an action between the persons interested in the matter, but with power for the Court to make such alterations in the course of the procedure as they may think expedient in the interests of justice; and the decision of such Court, or, if the decision is appealed against, the final decision on the appeal in such, shall be duly observed by the Land Commission, or by all persons concerned.

The proceedings of the Land Commission under this Act shall not be questioned, save as provided by this section, and shall not be restrained by mandamus, prohibition, or otherwise howsoever.

23.—(1) Subject to any rules made in pursuance of this Act, where the purchase-money has been carried to the account of an estate the Land Commissioners may, in their discretion, distribute the same as funds are distributed on sales of estates in the Landed Estates Court; or may cause to be given notices calling on all persons to send in their claims against such purchase-money, which notices may be given in like manner as notices given by the High Court of Justice, in an administration suit for creditors and others to send in to the executors their claims against the estate of the testator.

(2) At the expiration of the time named in such notices for sending in claims, the Land Commission may proceed to distribute the purchase-money, having regard to the claims of which such Commission have

then given notice, and without regard to the claims of which they have not notice ; but nothing in the foregoing provisions of this section shall prejudice any right of the claimant to recover the money from any person liable to pay the same, nor his right to establish a claim against any part of the purchase-money which remains under the control of the Land Commission, and has not been appropriated to any claimant.

- (3) The Commission may also exclude any person who refuses or fails to produce such evidence of his claim as the Land Commission may reasonably require.

*May make rules.*

24.—The Land Commission may, with the approval of the Lord-Lieutenant, from time to time make, and when made alter and revoke, rules in respect of the following matters :—

- (a) As to the mode in which the business is to be conducted by the Land Commission under this Act, and the procedure and forms to be observed and used in carrying into effect sales under this Act ;
- (b) As to anything by this Act directed to be prescribed ; and
- (c) For carrying into effect any provisions of this Act which require to be carried into effect by rule, with power to specify the manner in which the judicial business is to be separated from the administrative, but subject to the provisions of this Act as to the rehearing of cases and otherwise, and any such rules shall be of the same effect as if they were enacted in this Act.

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### PART III.

#### FINANCIAL ARRANGEMENTS.

*A Receiver-General.*

- 25.—(1) The Treasury shall from time to time appoint a Receiver-General of the Public Revenues of Ireland (in this Act referred to as the Irish Receiver-General), and such deputies or deputy to act under him in any part or parts of Ireland as to the Treasury may seem necessary for the execution of this Act.
- (2) Such Receiver-General and deputies shall hold office as persons serving in an established capacity in the permanent Civil Service of the State, and shall be subject generally to the directions of the Treasury, and shall be paid out of money provided by the Imperial Parliament such salaries as the Treasury from time to time assign.

26.—All sums payable by tenants of holdings vested in them in pursuance of this Act, and all sums receivable by the State Authority in pursuance of this Act, whether as capital or income, from any estates which are vested in them, or over which they have any right, or from which they derive any profit (which sums are in this Act referred to as land revenues), shall be collected by such collectors as the Irish Government may from time to time appoint for that purpose.

- 27.—(1) There shall be paid to the Irish Receiver-General all sums collected by a collector in respect of any tax, duty, or impost imposed or levied by or under the direction of the Irish Legislature for the public service in Ireland, or collected by a collector in respect of the land revenues under this Act, and all sums other than those above mentioned, and payable on account or in respect of the public revenues of the Government of Ireland, whatever collector or person is liable to pay the same.
- (2) There shall also be paid to the Irish Receiver-General all moneys directed by the Irish Government Act, 1886, to be carried to the Customs and Excise Account.
- (3) If default is made in payment to the Irish Receiver-General of any sum by this section required to be paid to him by any person, the person who makes such default, and the person who receives such sum in respect of which such default is made, and every person, whether a member of a corporation or not, who is privy to such default, shall forfeit double such sum to Her Majesty, and the Irish Receiver-General or one of his deputies shall take proceedings to recover such sum, and the sums when recovered shall be paid into the Consolidated Fund of the United Kingdom. *Penalties.*
- (4) If the Irish Receiver-General under this Act, or any of his deputies, is guilty of any malfeasance in his office, he shall forfeit to Her Majesty all sums lost by such malfeasance, and also such penal sum, not exceeding five hundred pounds, as the Court in which the forfeiture is sued for may determine, and such forfeiture and penal sum may be recovered by action on behalf of the Irish Government, and when recovered shall be paid to the Irish Consolidated Fund.
- (5) Every action or legal proceeding by or against the Irish Receiver-General, or any of his deputies or deputy, shall, if either of the parties thereto so desire, be heard and determined by the Exchequer Division, or one of the Judges thereof, and the provisions of the Irish Government Act, 1886, with respect to legal proceedings by or against the Commissioners of Customs in the Exchequer Division shall apply in like manner as if those provisions were herein re-enacted, and in terms made applicable to the Irish Receiver-General; and such Exchequer Division shall have for such purpose the same powers as at the passing of this Act are vested in any division of the High Court of Justice.
- 28.—(1) The Irish Receiver-General shall apply all sums received by him—First, in paying all sums payable out of the moneys carried under the Irish Government Act, 1886, to the account therein called the Customs and Excise Account; and, secondly, in paying all sums directed by this Act to be paid out of the land revenues, or out of the moneys coming to the hands of such Receiver-General.
- (2) The Receiver-General shall pay all sums which are not, or in his

opinion are not likely to be, required for making the above-mentioned payments, to the Irish Consolidated Fund.

*50 millions to begin with.*

29.—(1) There shall be issued and placed at the disposal of the Land Commission for the purposes of this Act, in such manner and under such regulations as the Treasury from time to time make, such sums of permanent annuities as are from time to time required for the said purposes, provided that the nominal capital amount of such annuities so issued shall not exceed—

- (a) In respect of applications for purchase received from landlords during the financial year ending on the 31st day of March next after the appointed day, £10,000,000; and
- (b) In respect of applications for purchase received from landlords during the said financial year and the succeeding financial year, £20,000,000, with the addition of so much of the above-mentioned £10,000,000 as is not required for the applications before mentioned; and
- (c) In respect to applications for purchase received from landlords during the above-mentioned financial year and the financial year next following the same, the sum of £20,000,000, with the addition of so much of the above-mentioned £30,000,000 as is not required for the applications before mentioned, but so that not more than £20,000,000 permanent annuities shall be issued in any one financial year.

*Annuities.*

- (2) The Treasury may, if they think fit, from time to time make regulations for the issue, in lieu of 3 per cent. permanent annuities, of annuities of the same class as existing permanent annuities of lower denomination; and if such regulations are made, any person entitled to the payment of any purchase-money or share of purchase-money under this Act may, instead of 3 per cent. permanent annuities, receive any of such annuities of lower denomination at such prices not less than those mentioned in the third schedule of this Act, and in accordance with such provision as may be made by the said regulations.

*Scrip.*

30.—Where the amount of permanent annuities authorized to be issued in any financial year is insufficient to meet the sums required in that year for the purchase-money of estates sold under this Act upon applications received from landlords, there shall be issued, under such regulations as the Treasury from time to time make, scrip representing the said sum for which the said annuities are so insufficient, so, however, that the aggregate capital amount of the annuities issued and the scrip shall not together exceed £50,000,000; and such scrip shall, in the next financial year, be exchanged, under such regulations as the Treasury may from time to time make, for the like nominal amount of permanent annuities, and until so exchanged shall bear interest at the rate of 3 per cent. per annum, which interest shall accrue from day to day, and be payable half-yearly on the days fixed by the Treasury by the Irish Receiver-General out of moneys coming into his hands next in priority after the annual sum for interest and sinking fund of the permanent annuities issued under

this Act, and such scrip may be transferable to such extent and in such manner as may be from time to time provided by the regulations of the Treasury.

- 31.—(1) For the purposes of this Act the Treasury may create £3 per cent. per annum permanent annuities, and £2, 15s. per cent. per annum permanent annuities, and £2, 10s. per cent. permanent annuities, and such annuities, and all interest from time to time due thereon shall be charged on and be payable out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof, at such times in each year as may be fixed by the Treasury. *Bank of England Annuities.*
- (2) The said annuities shall be created by warrant from the Treasury to the Governor and Company of the Bank of England, by directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.
- (3) The said annuities shall, in manner directed by the warrant, be consolidated with annuities at the same rate of interest, and payable at the same date, and shall be transferable in the said books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as consistent with the tenor of those enactments.
- 32.—(1) For the purpose of paying the interest and sinking fund on the permanent annuities issued under this Act, which annuities are in this Act referred to as the Land Purchase Debt, the Irish Receiver-General shall, out of moneys coming into his hands, pay to Her Majesty's Paymaster-General an annual sum of 4 per cent. on the nominal capital amount of the Land Purchase Debt. *Payment of interest and sinking fund.*
- (2) Such sums shall be applied under the direction of the Treasury in paying the interest on a portion of the National Debt equal to the amount of the Land Purchase Debt, or so much thereof as has not been redeemed, and the remainder shall be paid to the Commissioners for the Reduction of the National Debt, and shall be applied by them in the redemption of the National Debt, in like manner as if it were part of the new sinking fund.
- (3) As soon as an amount of the National Debt equal to the Land Purchase Debt has been redeemed by payments under this section, the said annual sum shall cease to be payable.
- (4) Where the consideration payable by a tenant in respect of the acquisition of the fee-simple of his holding under this Act is wholly or partly paid down, or any sum is paid for the redemption of the whole or part of any annuity payable on account of such consideration, or is paid on the sale of any estate, or holding, or minerals, or timber by the State Authority, or otherwise any sum in the nature of capital is paid in respect of any estates sold under this Act, the consideration or sum so paid shall be paid to the Irish Receiver-General, and shall be paid by him to the Commissioners for the Reduction of the

National Debt, and shall be applied by them as part of the sums received under this Act for the redemption of the National Debt, and the Treasury shall thereupon reduce proportionately the said annual sum.

*Broken periods.*

33.—The Treasury shall, from time to time, make such regulations to provide for broken periods, whether as regards the interest on annuities created under this Act, or as regards the annual sum payable by the Irish Receiver-General in respect of such annuities, or otherwise in connection with the financial arrangements under this Act, as they from time to time find most convenient for the public service.

*Issue of land debentures.*

34.—(1) Subject to the provisions of any Act passed by the Irish Legislature, the Irish Government may from time to time issue land debentures in such form and for such period, and payable off in such manner, and bearing such rate of interest, not exceeding the rate of 3 per cent. per annum, payable by coupons or otherwise, as the regulations of such Government may provide, so, however, that the total amount of such debentures shall not exceed five million pounds.

(2) Such debentures, or cash raised by such debentures, shall be placed at the disposal of the Land Commission for the purpose of paying to the persons interested the purchase-money of estates sold under this Act, and shall not be applied otherwise, and, subject to the prescribed regulations, any person entitled to payment of any such purchase-money or any share thereof may at his option take in lieu of permanent annuities any such debenture or cash which is available for such payment.

(3) The principal and interest of such debentures shall be charged on the sums coming into the hands of the Irish Receiver-General next after the charge of any other sums charged thereon under this Act.

(4) Subject to the provisions of any Act of the Irish Legislature, the provision of the Land Debts (Ireland) Act, 1865, shall, so far as consistent with the tenor thereof, apply to all debentures issued in pursuance of this Act.

*Advances for costs of Land Commission.*

35.—The Treasury, if the Irish Government so requires it, may from time to time make out of the Consolidated Fund of the United Kingdom, advances equal to the sums deducted by the Land Commission for the payment of costs from the statutory price of estates sold under this Act; and such advances shall be applied in payment of the costs of the Land Commission, and shall be repaid to the said Consolidated Fund within a period not exceeding ten years from the date of the advances out of moneys coming into the hands of the Irish Receiver-General, and interest at the rate of 3 per cent. per annum shall be paid out of the same moneys, on so much of the advances as is for the time being outstanding.

All other costs of the Land Commission incurred in the execution of this Act shall be defrayed out of the moneys coming into the hands of the Irish Receiver-General.

## PART IV.

## SUPPLEMENTARY PROVISIONS.

36.—The Irish Government shall establish a registry of title, and all estates and holdings purchased under this Act shall be entered on such register. *Registry of title.*

Subject to any Act of the Irish Legislature, stamp duty shall be payable on any order vesting an estate in any tenant on the State Authority under this Act, and shall be paid by such tenant or State Authority.

The rules in the fourth schedule hereto providing for the mode in which a registry is to be established and the effect of such registry shall apply to any registry of title established under this Act, and shall have the same effect as if they were enacted in the body of this Act.

The interest of a tenant in any holding which may be acquired under the provisions of this Act, or the fee-simple in which has been acquired under the provisions of the Irish Church Act, 1869, or the Land Law (Ireland) Act, 1881, or the Purchase of Land (Ireland) Act, 1885, shall be for all purposes personal estate without prejudice to any interest acquired by any dealing with, or devolution of, such holding before the passing of this Act. *Tenants without personal estate.*

37.—Every annuity payable by a tenant, in pursuance of this Act, shall be a charge on the holding subject thereto, having priority over all existing and future estates, interests, and encumbrances, and such sums shall be recoverable by the State Authority, or by any officer of that Authority, in such manner as may be provided by Act of the Irish Legislature, and until such provision is made in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, as if the annuity were such an advance as mentioned in those Acts, and the State Authority were the Board therein mentioned. *Annuity to have priority.*

A certificate, purporting to be under the seal of the State Authority, or of any officer of that Authority, shall be evidence that the amount of any annuity or arrears of annuity stated therein to be due under this Act, in respect of any holding named therein, is due to the Authority in respect of such holding. Any such annuity, as aforesaid, may be redeemed by the person for the time being liable for the same, in manner provided by section 51 of the Landlord and Tenant (Ireland) Act, 1870, or by section 28 of the Land Law (Ireland) Act, 1881, or by section 4 of the Purchase of Land (Ireland) Act, 1885, and the table in the schedule to that Act.

38.—So long as a holding is subject to any charge in respect of an annuity under this Act, the following conditions shall be imposed on such holdings—that is to say :— *Conditions as to an annuity.*



- (a) The holding shall not be subdivided or let by the owner thereof without the consent of the State Authority.
- (b) Where the owner subdivides or lets any holding or part of a holding in contravention of this section, the State Authority may cause the holding to be sold.
- (c) Where the title to the holding is divested from the owner by bankruptcy, the State Authority may cause the holding to be sold.
- (d) Where on the death of the owner the holding would by reason of any devise, bequest, intestacy, or otherwise become subdivided, the State Authority may require the holding to be sold within twelve months after the death of the owner, to some one person, and, if default is made in selling the same, the State Authority may cause the same to be sold.

With respect to any such sale, and the application of the proceeds thereof, the State Authority shall have the same power as is given to the Land Commission in relation to sales by section 30 of the Land Law (Ireland) Act, 1881, as amended by the Purchase of Land (Ireland) Act, 1885, and that section as so amended shall apply accordingly.

*Landlord may require State to purchase.*

- 39.—(1) Any immediate landlord who holds the estate on trust for any other person may without prejudice to any power conferred by the Conveyancing and Law of Property Act, 1881, or by the instrument creating the trust, or otherwise, require the State Authority to buy the estate under this Act, and may do all acts necessary for effecting such sale, and if the estate cannot otherwise be sold, may agree to accept a price lower than the statutory price.

*Encumbrancer and landlord may agree.*

- (2) Without prejudice to any such power as aforesaid, any person holding on trust for any other person an encumbrance on an estate may, with a view to induce the landlord of such estate to exercise his option of selling the same under this Act, agree to reduce the amount due in respect of such encumbrance, or to commute or otherwise deal with the same in such manner as he may think expedient, having regard to the advantages to be derived from the conversion of the estate into annuities or money, or may purchase from the landlord the right to exercise his option.
- (3) A person may exercise his discretion under this section in the same manner as if he was the absolute beneficial owner of the estate or the encumbrance, and he shall not be liable to have the discretion exercised by him in good faith reviewed in any court of law or equity, or be subjected to any liability in respect to the exercise thereof.

*Rights of married women.*

40.—Where a married woman entitled for her separate use, and not restrained from anticipation, is desirous of giving any consent, doing any act, or becoming party to any proceeding under this Act, she shall be deemed to be an unmarried woman; but when any other married woman, who is by law incapable of giving her consent, or of being a party under

this Act, is desirous of making any application, giving any consent, or becoming party to any proceeding under this Act, she shall be examined in the prescribed manner; and if the Land Commissioners ascertain that she is acting freely and voluntarily, she may make such application, do such act, or give such consent as if she were unmarried, and the Land Commission may, where it sees fit, appoint a person to act as the next friend of a married woman, for the purpose of any proceeding under this Act, and may from time to time remove or change such next friend.

41.—Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this Act in relation to any land or encumbrance on land, is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give such consents, do such acts, and be party to such proceedings as such persons respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act. Where there is no guardian or committee of the estate of any such person as aforesaid, being infant, idiot, or lunatic, or where any person is of unsound mind, or incapable of managing his affairs, but has not been found lunatic under an inquisition, it shall be lawful for the Land Commission to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian.

*Rights of persons under disability.*

42.—If in the course of any proceedings before the Land Commission, in pursuance of this Act, any person concerned in such proceedings, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of any document, or of any fact, the person suppressing, attempting to suppress, or privy to suppression shall be guilty of a misdemeanour, and upon conviction or indictment shall be liable to be imprisoned for a term not exceeding two years, with or without hard labour, or to be fined such sum, not exceeding £500, as the Court before which he is tried may award.

*Punishment for certain offences.*

43.—All tithe rent-charge payable to the Land Commission in respect of any estate sold under this Act shall be paid by the Irish Receiver-General out of the moneys coming into his hands for a period of 49 years from the date of the sale of such estate, unless the same is previously redeemed in manner provided by an Act of the Legislature of Ireland; but so long as any charge guaranteed by the Treasury on such tithe rent-charge is unpaid, the terms of such redemption shall be assented to by the Treasury before the passing of such Act.

*Payment of rent-charge.*

## PART V.

## ESTATE.

*Definitions.*

44.—For the purposes of this Act “an estate” means any land which the Land Commission may by order declare to constitute an estate within the meaning of this Act.

“Tenanted estate” means any estate in the occupation of tenants, including any part of such estate which, though temporarily unlet, is ordinarily let to tenants, including also any part of an estate let for the purposes of agistment or temporary depasturage.

Town parks, houses in villages, and other houses which are held as part of or as incidental to any estate in the course of sale under this Act may be treated for the purposes of this Act as part of such estate.

45.—This Act shall not apply to

- (1) Any estate which is not in the main agricultural or pastoral in its character, or partly agricultural and partly pastoral, nor to
- (2) Any estate which is within the limits of a town, nor to
- (3) Any estate or part of an estate which is demesne land or is or forms part of a home farm, or is ordinarily occupied by a landlord; nevertheless such estate or part may, on the request of the landlord, be purchased by the State Authority, if such Authority think fit, at a price not exceeding the agricultural value thereof, and shall be vested in the State Authority as owners thereof, and the proceedings of this Act with respect to the vesting of estates in the State Authority shall apply accordingly.

Where any holding let to be used wholly or mainly for the purposes of pasturage, and valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not less than fifty pounds, forms part of any estate proposed to be sold by the landlord, the landlord may, if he thinks fit, exclude such holding from the sale, and nevertheless require the State Authority to purchase the remainder of his estate. On the other hand, if the landlord wishes to include any such holding in the sale of his estate, the State Authority may, if they think it expedient so to do, refuse to purchase such holding.

## LANDLORD.

*Definition of landlord.*

46.—“The immediate landlord of a tenanted estate” means the person, whatever his interest may be in the estate, who at the introduction of this Act into Parliament—that is to say, on the 17th day of April one thousand eight hundred and eighty-six—was the immediate landlord, or person entitled as landlord, and not as agent or receiver, to receive the rents or take possession of the holdings on such estate; and that notwithstanding that a receiver has been appointed by a court or mortgagee, or otherwise.

47.—The option of sale conferred on the immediate landlord by this Act may be transferred by the immediate landlord to any other person, by deed or will, or if not bequeathed may pass by devolution on death, but, save as aforesaid, shall not be transferred to any person by law or otherwise without the voluntary act of the immediate landlord. Any person entitled to exercise an option derived from an immediate landlord in pursuance of this Act shall be deemed, for the purposes of this Act, to be the immediate landlord. *May transfer option of sale.*

Subject to rules under this Act, where the immediate landlord, as defined by this Act, of any estate himself pays rent in respect of such estate to a superior landlord, he shall at the prescribed time give notice to such superior landlord of his intention to exercise the option of sale; and if such superior landlord objects to the exercise thereof by the inferior landlord, the superior and inferior landlords may agree as to the terms on which they or one of them may exercise such option, or, in the event of disagreement, the superior landlord may apply to the Land Commission to substitute him for the inferior landlord, and the Land Commission may substitute the superior landlord for the inferior landlord on the superior landlord purchasing the estate of the inferior landlord at such price as the Land Commission may think just; and so, if there are more superior landlords than one, each superior landlord may, by agreement, be substituted for the next inferior landlord, or may purchase his interest in manner hereinbefore mentioned, at a price to be determined by the Land Commission. *Landlord and his superior.*

Where there is a succession of landlords deriving title from one another, the earlier in such succession is deemed to be the superior of the next below in succession, and the next below in succession to be the inferior landlord to the landlord next above.

Subject to rules under this Act, where the immediate landlord, on being applied to by a superior landlord to exercise the option of sale, refuses to do so, the landlord aggrieved by such refusal may apply to the Land Commission; and if it appears to such Commission that by reason of the smallness of the interest possessed by the immediate landlord, or for any just cause, it is inequitable that the immediate landlord should refuse to exercise his option, the Land Commission may substitute the landlord so applying for the immediate landlord on his paying or undertaking to pay out of the purchase-money to the immediate landlord such sum, if any, as to the Land Commission may seem just. Where, in the case of an estate sold under this Act, the gross rent received by a superior landlord from any inferior landlord under a lease granted to such inferior landlord is, or will when apportioned, be less than one-fifth part of the gross rent of the estate sold under this Act, and the interest of such inferior landlord in the estate is equal to or more than one hundred years in duration at the time of the sale, such rent shall be deemed to be a chief rent, and such superior landlord shall be dealt with as a person entitled to a chief rent, and not as a landlord. *When immediate landlord refuses to apply.*

*When there are several landlords.*

Subject to the prescribed regulations, where there is a tenanted estate, the ultimate reversion of which belongs to one owner, but parcels of which are divided amongst divers immediate landlords, the State Authority may, on the application of several landlords entitled to exercise a landlord's option, purchase the whole of such estate, and the sale shall be conducted by such persons as the immediate landlords may agree upon, or may, in the event of dispute, be determined by the Land Commission.

Any question which may arise as to whether a person is a landlord or immediate landlord within the meaning of this Act, or with respect to the landlord entitled to exercise the option of sale under this Act, shall be determined by the Land Commission.

*No application for sale after fixed date.*

48.—A landlord shall not be entitled to make an application for the sale of his estate under this Act after the 31st day of March one thousand eight hundred and ninety, and any such application, if made, shall not be entertained by the State Authority.

The priority of applications made to the State Authority on the same day shall be determined by lot in the prescribed manner.

#### ENCUMBRANCES.

*Definition of encumbrances, head rent, etc.*

49.—In the construction of this Act, unless the context otherwise requires—

“Encumbrances” means and includes head rents, mortgages, jointures, annual charges, and all other pecuniary outgoing on land, whether capital sums or annual sums, with the exception of the rents payable by the tenants on the estate, of rates and cess, and of tithe rent-charge, payable to the Land Commission, but does not include rights of common way, water, sporting, fishing, or turbary, rights to timber and minerals, and other like rights or easements.

“Head rent” means any Crown rent, quit-rent, fee, farm rent, or other rent or rent-charge, but does not include tithe rent-charge payable to the Land Commission, and does not include the rent payable by a tenant as defined by this Act.

“Chief rent” means any head rent as so defined, the gross amount of which is, or when apportioned as in this Act provided, will be less than one-fifth of the gross rent of the estate in respect of which the same is paid.

“Crown rent” includes any quit-rent due to the Crown.

“Encumbrancer” includes all persons owing or interested in any incumbrance as herein defined.

#### TENANT.

*Definition of tenancy.*

50.—In the construction of this Act, unless the context otherwise requires—

“Contract of tenancy” means a letting or agreement for the letting of land for a term of years, or for lives, or for lives and years, or from year to year, or for a year certain, or for any less term.

“Tenant” means a person occupying land under a contract of tenancy, and includes the successors in title or occupancy to a tenant; but where the tenant sublets part of his holding with the consent of his landlord, he shall, notwithstanding such subletting, be deemed for the purposes of this Act to be still in occupation of the holding.

“Holding” means the land occupied by a tenant under a contract of *Holding*. tenancy.

Where any doubt exists as to who is the tenant in whom a holding forming part of an estate purchased under this Act should vest, the Land Commission shall decide such doubt in such manner, and upon such terms of payment or compensation, as they think just.

51.—In the construction of this Act, unless the context otherwise *Gross rent*. requires—

“Gross rent of an estate” means the aggregate of the gross rents of all the holdings on that estate, as the same were payable on the last gale day in the year one thousand eight hundred and eighty-five.

“Gross rent” of a holding means (1) the judicial rent of such holding, and (2) where a judicial rent has not been fixed in the case of any holding, then there may be found the average rate by which the rents previous to the date of the passing of this Act fixed by the Land Commission in the same electoral division exceed or are less than Griffith’s valuation of the holding, and the gross rent of any holding may be deemed to be fixed at such average rate over or under Griffith’s valuation, and this rule may be applied whether such holding is or is not a holding for which a judicial rent can be fixed;

Provided that, if a landlord selling an estate or the tenant of any hold- *How gross rent*  
ing is dissatisfied that the gross rent of a holding other than a judicial *ascertained.* rent should be ascertained in manner above provided, he may apply to the Land Commission to fix a judicial rent for such holding; and the Commission, notwithstanding the Land Law (Ireland) Act, 1881, does not apply to such holding, shall fix, for the purposes of this Act, a judicial rent for such holding, and the cost of so fixing the judicial rent may, if the application appears to the Land Commission to have been groundless, be ordered to be paid by the applicant;

Provided that this Act shall not, nor shall any Act to be passed by the Irish Legislature, impair any obligations arising from contract or judicial decision under the Landlord and Tenant (Ireland) Act, 1870, and the Land Law (Ireland) Act, 1881, and any Acts amending the same, or any of such Acts

#### GENERAL DEFINITIONS.

52.—In the construction of this Act, unless the context otherwise requires—

“State Authority” means such person or body of persons or department of the Irish Government as the Irish Legislature may determine for the purposes of this Act, or, until such Legislature so determine, as may be

appointed by the Irish Government ; and, subject to any Act of the Irish Legislature, any such person or body of persons or department shall, until and unless otherwise provided by the Irish Legislature, be deemed to be incorporated and entitled to hold land for the purposes of this Act, and any Act of such State Authority may be testified in such a manner as the State Authority may from time to time determine.

“Treasury” means the Commissioners of Her Majesty’s Treasury.

“Prescribed” means prescribed by rules made in pursuance of this Act.

*Town.*

“Town” means any corporate town subject to the control of Commissioners appointed in pursuance of any Act of Parliament, or any town having a market or fair, or any town within the meaning of the Landlord and Tenant (Ireland) Act, 1870.

“Person” and “landlord” respectively include a body of persons corporate or unincorporate ; also the Crown, and any Commissioners or persons holding, or having the management of, property on behalf of the Crown.

“Expenses of management” means agents’, receivers’, or stewards’ fees or salary, and expenses allowed to them in their accounts for travelling, valuations, maps, scrivenerly, stamps, bailiff’s salary, and costs in legal proceedings against tenants for recovery of rent.

#### COMMENCEMENT AND APPLICATION OF ACT.

35.—This Act shall come into operation on the day determined by order of Her Majesty in Council made in pursuance of the Irish Government Act, 1886, to be the day on and after which the Irish Legislature is declared to be established ; and such day is in this Act referred to as the appointed day.

This Act shall apply to Ireland only.

## APPENDIX III.

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### *ADDRESS FROM CALTON HILL MEETING.*

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ON the evening of June 21, a deputation waited on Mr. Gladstone at the Royal Hotel, Edinburgh, to present an address which had been adopted at a meeting held on the Calton Hill immediately after his arrival in the city. In acknowledging the address, which was presented by Mr. Walter Thorburn,

MR. GLADSTONE said—I have never received any address in the course of a long life with greater pleasure than the address you now present to me; for these reasons. In the first place, I very much doubt whether at any time we have had in view a purpose of such vast and unmeasured importance. In the second place, because I doubt very much whether we have ever had a cause in our hands where the good that we sought for was more unmixed, and where the evils that we desire to avoid were more palpable and the menaces more formidable, gentlemen, to you and to your children. In the third place, I am sure by the character of this meeting, and by the words which have just been read in my hearing, that you, who are better judges, concur with me in the opinion that the enthusiasm of the nation, of the nation as distinguished from minor portions and sections of the nation, never was so great as on the present occasion. That was my experience in London, where I am much in the sight of the people, and have considerable means of judging of the state of feeling. That was my experience all along the route. That has been my crowning experience in Edinburgh. I echo fervently the prayer which has been uttered, that we may by the blessing of God be enabled to conduct this enterprise of ours to a speedy termination. A speedy termination, gentlemen, will be an honourable termination, a termination accompanied with mutual respect on the other side of the Channel and on this. A slow termination will be a painful termination, and probably a shameful termination. For I call it a shameful termination when, as in 1829, an act of justice is done, not because it is an act of justice, but in



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order to avoid the terrors of civil war. It is a speedy termination, gentlemen, that I desire. I feel certain what will be the end of this controversy; but I feel that on the action of the nation at this crisis depends whether it shall be a termination of honour and satisfaction to all parties, or whether it shall be mixed all along with painful and dishonoured anxieties, leaving behind it rankling sores that will tend for a long time to qualify the good that it will do, and diminish the satisfaction with which you all wish to see it followed.

## APPENDIX IV.

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### *MR. GLADSTONE AND THE LONDON CONSTITUENCIES.*

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MR. SYDNEY BUXTON, the Liberal candidate for Poplar, has received the following letter from Mr. Gladstone :—

HAWARDEN CASTLE, *June 29, 1886.*

DEAR MR. SYDNEY BUXTON,—I regret that, after the labours through which I have been passing among my late constituents and elsewhere, I cannot appear personally before the electors of any of the numerous divisions of London, in whose welfare I feel a cordial interest, and on whose wise or unwise use of the present opportunity so much depends. Through the channel of a letter to you I venture to offer them a few words intended to sum up the question that is before them.

A great cause now lies for decision between England and Ireland. A hundred years ago we gave to Ireland a free Parliament of her own, with which she was satisfied. Its constitution was faulty, but it made many and great improvements, and was beginning to make more and greater, when in 1795 the Tory Government of England stopped the work by recalling Lord Fitzwilliam, to the horror of every Liberal statesman of the day, and against the wish of the whole Irish people. This tyranny begat discontent. Discontent was met by arbitrary government. Then came resistance in 1798, and frightful bloodshed. These mischiefs, of which the Tory Government was the author, were made a pretext for the Union. Against the sense of Ireland and her Parliament every engine of force and fraud, bribery and intimidation within doors, arbitrary government and reckless promises in the country at large, were profusely employed, and by these shameful means, and no others, Ireland was partly entrapped, and partly coerced, into the Union.

The promises made were disgracefully broken. The sufferings of the people, declared by the Devon Commission to surpass those of any other Christian country, were shamefully neglected, but laws were passed to coerce them, and laws were passed to increase the power of their landlords over them, and to enhance for the advantage of those landlords the prices

of their food. An alien State Church was maintained among them; and men professing the religion of the country were forbidden to sit in Parliament, until they became too strong to be resisted, and emancipation was granted by the Duke of Wellington, only to avoid civil war. Meanwhile, when in 1820 the county of Dublin wished to make a peaceful demonstration at a meeting regularly called, soldiers were sent to break it up.

This is a revolting record, but it is only a small part of the truth. Can you wonder that a cry, long and loud, was heard from Ireland against this Union so foully brought about? But, like many bad laws, it was a great law, difficult to change, and it had one good thing in it, namely, that it established the supremacy of Parliament. What does Ireland now say? By the mouth of 85 out of 101 of her popular representatives, she declares herself content with this supremacy. She leaves you what is good in the Union, and asks to be rid of what is bad. She asks you to do for her what you did with such advantage for Frenchmen in Canada, for Dutchmen at the Cape, for the children of convicts in Tasmania, to give her the management, not of English or of Scotch or of Imperial, but of simply Irish affairs.

There is a long record of disgraceful deeds against us, and the question is about wiping it away. They were done mostly before the first Reform Act. Since that time matters have improved. Good has been done (almost wholly in defiance of the Tories), but evil has also been done, and the good that should have been done has largely been left undone. The long course of evil belongs to the time before the nation was enfranchised; the partial good to the time since. Now for the first time the question is put whole and clear to an enfranchised nation, and the people of England and of Scotland have either to purge out the old shame of their country by listening to reason, or, by refusing to listen, to make that shame their own, with all the wretched consequences which it will increasingly entail.

I tell the people of London, *this* is the question they have to deal with; and for his own share of dealing with it by his vote each one of them will be responsible.

I need hardly tell you, my dear Mr. Buxton, what faith I have from former experience in the strong sympathies and upright sense of the people, or how fervently I desire the success of every one of those who are labouring together with you to consolidate the real, the hearty union of the countries, and the real and I trust immortal strength of the Empire.

Hoping that my wife, who often visits the East-end for other purposes, may very shortly appear there, I remain, my dear Mr. Buxton, sincerely yours,

W. E. GLADSTONE.

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