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THE IRISH QUESTION

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THE
IRISH QUESTION

BY
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Professor in Lafayette College

LONDON:
W. H. ALLEN & CO., 13 WATERLOO PLACE,
ALL MALL S.W.

1882.

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PREFACE.

IN the summer of 1881 I went to Ireland in order to study the questions that were causing so much violent agitation there. I had followed the course of the Irish troubles with close interest, but was anxious to take a nearer view of them and to study them on the ground and among the people themselves. I visited some of the wildest and poorest parts of the country; and jaunting-car rides through Cork, Kerry and Galway enabled me to see a great deal of the poverty and distress of many of the people of those counties, to observe their holdings and houses and modes of living, and to talk familiarly with all classes. I then turned to some of the more prosperous regions, including Limerick and its vicinity, and going North through Clare, I visited Ulster, which seems like a different country from the rest of Ireland. I did not, of course, neglect to visit Londonderry, Belfast, Dublin and other centres of business activity.

In 1882 I again went to Ireland and revisited a number of important places. I traveled through portions of Tipperary where boycotting was common, and resumed my jaunting-car rides through the West, particu-

larly through Mayo and Galway. My journeyings led me into some of the most distressed and disturbed districts where some of the most terrible crimes have been committed and "moonlighting" has apparently been a favorite pastime.

Everywhere I found the people very polite and courteous. Clergymen, landlords, tenants, laborers and business men—representatives of all classes—talked freely of the troubles that were agitating the country. In some instances I have allowed these men to speak in these pages; in others have given their views in my own language.

I desire to acknowledge the special courtesy shown me by Mr. Commissioner Vernon, who explained the practical working of the Land Act and gave me much valuable information besides; by Mr. H. A. Robinson, Local Government Inspector of Mayo and Galway, whose intimate knowledge of and sympathy with the poor people of those counties made his conversation extremely interesting and profitable; and by Dr. Neilson Hancock, whose familiarity with the statistics of Ireland is well known.

The debates on Irish affairs in the House of Commons, which I was enabled through the kindness of Dr. Lyon Playfair to hear regularly while in London, gave me an excellent opportunity for studying the characteristics and relations of the men who have taken a leading part in these discussions; and I saw their tactics in vigorous operation.

In private conversation with some of those who have

taken the most active interest in Irish affairs I obtained valuable information, hints and suggestions. I wish particularly to acknowledge my indebtedness to Mr. Justin McCarthy and Mr. A. M. Sullivan; to Mr. O'Conner Power and Mr. Parnell; to Mr. Mitchell Henry, through whom I found out much about the reclamation of waste land and other matters as well; to Mr. Trevelyan, for kindly giving me opportunities to study the working of the government in Ireland; to Mr. R. Barry O'Brien, whose conversation and books have helped me much; and to Mr. Bunting, Editor of the *Contemporary Review*, for giving me the benefit of his extensive acquaintance with the literature of, and writers on Irish affairs.

The interest taken by the public in some letters which I wrote for the *Philadelphia Press*, while in Ireland, and which were extensively copied by other papers; in a lecture which I delivered on Irish affairs; and in articles published in the *Independent* and *Princeton Review*, has encouraged me to undertake the present work. I have not ventured to suggest a settlement of the Irish Question, nor even to predict very confidently what form it will next assume. One who has read Irish history is not likely to venture on so rash an undertaking. I have tried to present some of the phases of the recent troubles; some of the evils of the old land system and some of the provisions of the new legislation which has well nigh revolutionized the old order of things; some of the still unremoved grievances with the remedies proposed for them; and the general

attitude of the various parties toward these matters, so that the reader seeking knowledge of Irish affairs can understand something of the problem.

I have referred in foot-notes to some of the numerous pamphlets, reports and books that I have consulted, and, having found that some of the leading documents in question—the Land, Coercion, Prevention of Crimes, and Arrears of Rent Acts, the constitution of the Land League, the no-rent manifesto and a few other important papers—were so little accessible and so little read in this country, I have thought it best to give the actual text of them in full in the Appendices.

D. B. KING.

Lafayette College, Easton, Pa., October 18th, 1882.

CONTENTS.

CHAPTER I.

Introduction—Irish landlords—Number of landowners—Size of estates—Obstacles to the transfer of land—Panic in prices of land in the Encumbered Estates Courts—Increase of Landlords—Absenteeism—An old grievance—its injurious effects—Middlemen, agents, "Drivers"—Rules of the estate. 1

CHAPTER II.

Irish tenants—Their numbers—Size of their farms—Bankrupt tenants—Evidences of thrift and prosperity, of poverty and indolence seen in traveling through the country—Cottages and cabins—Peasants and beggars—improvements in dwellings. 17

CHAPTER III.

Land tenure in Ireland—The Celtic tribe—"Rack-renting" by the chiefs—English tenures—Hardships connected with the introduction of the English system into Ireland—War against the power of the Landlords—Changes unfavorable to the tenant. 25

CHAPTER IV.

Modes of letting land in Ireland—Tenancies at will—Tenancies from year to year—Leases—Desirableness of long leases where tenants make the improvements. 32

CHAPTER V.

Tenant's interests—The landlord's title—The improvements made by the tenant—Sometimes of no value to the landlord—Sometimes more valuable than the fee—The claim to a right of perpetual occupancy—Its origin—Tenant's interests have been frequently disregarded, but are now secured by law—The Ulster tenant right—Cheap and simple mode of transferring large real estate interests under the Ulster custom. 37

CHAPTER VI. •

Rents—Conflict of evidence—Mr. Mitchell Henry on rents—Per cent. on landlord's investments—Mr. Vernon on rents—Portion of produce—Rent raising—Reasons why Irish tenants agree to pay impossible rents—Fear of higher rents an excuse for lack of improvements—The hanging gale—Arrears of rent—Griffith's valuation. 46

CHAPTER VII.

Modes of enforcing the payment of rent—Personal actions—Distress—A scene of distress—Ejectments—Evictions from an Irish standpoint—"Sentences of death"—Reasons for this dread of eviction—Illustrations of Irish feeling in regard to evictions—Mr. Butt and Bishop Nulty describe important evictions—Huts for evicted tenants—The Ladies' Land League—A tenant's devotion to his cabin—Statistics of evictions from 1849 to 1882. 60

CHAPTER VIII.

Chronic poverty and distress—Wretched condition of the people described by Mr. Nimmo and the Devon commission—The famine of '47—Always on the verge of famine—Causes of the poverty and distress suggested—The land system held responsible by Irishmen—The war against the landlords—The Whiteboys—Ancient "Moonlighters"—The Ribbon Men. 72

CHAPTER IX.

Lord Melbourne on the Irish land system—Early agitation for reform—Plans suggested—"The Democratic Association"—"The land for the people"—The Presbyterian Synod of Ulster on land reform—The tenant league—The Encumbered Estates Court—The land act of 1860—Free trade in land—Freedom of contract between landlord and tenant impossible. 80

CHAPTER X.

John Bright as a champion of reform—Mr. Gladstone's first great measure of reform—Disestablishment—The land act of 1870—The Ulster tenant right legalized—Compensation for disturbance and for improvements—A land case in court—Relief given where it was greatly needed—Statistics—Evictions continue—Mr. Bright's plan for enabling tenants to buy their farms—Hindrances to its success. 87

CHAPTER XI.

Causes of the recent agitation—Disappointment with the land act of 1870—Partial failure of crops in 1878, 1879, and 1880—Unusual expenditure

and indebtedness—Inability to pay rent—Distress and want—The Fenian new departure—Michael Davitt and his plan for agitation in connection with the land question. 99

CHAPTER XII.

THE HOME RULERS AND THE LAND LEAGUE.

The Irish Home Rule League—"An Imperial Parliament for imperial purposes, an Irish Parliament for Irish affairs"—Sixty Home Rulers returned in '74 organize an independent party—Mr. Butt the Home Rule Leader—General Reforms for Ireland proposed—Mr. Parnell's entrance into public life—The beginning of obstructions—The character of Mr. Biggar—Dissensions among the Home Rulers—Mitchell Henry on Home Rule—"The party of Exasperation" increases in influence—Its attitude toward the Fenian new departure—Violent speeches. 109

CHAPTER XIII.

Mr. Parnell's advice to resist eviction and the payment of high rents—Davitt tells the people to feed themselves first and give to the landlords afterwards—Organization of the Land League—Its platform—Speeches by leading Land Leaguers—Specimens of their oratory—Mr. Parnell advises a combination against the landlords—Mr. Biggar on Sunday afternoon meetings—Mr. Davitt's violent denunciations of the landlords and government—Monster land meetings—Parnell and Dillon's visit to America—Relief of the distressed in Ireland. 120

CHAPTER XIV.

IRELAND IN 1880.

Distress—Relief—Dissolution of Parliament—The campaign of 1880—Mr. Gladstone's Midlothian speeches—He discusses Irish affairs—His views on Home Rule—Lord Beaconsfield on Irish agitation—Parnell would have preferred the success of the conservatives—The Liberal victory—Defeat of the "Disturbance" bill in the House of Lords—The violence of the agitation increases—violent speeches—Parnell and other leading Land Leaguers prosecuted for seditious conspiracy. 129

CHAPTER XV.

Outrages in the latter part of 1880 and the beginning of 1881—The Land League law supreme in Ireland—Methods of the "Moonlighters"—A reign of terror—View of the outrages from an Irishman's standpoint—The Property Defense Association—A novel procession—the emergency men—Captain Boycott's experience—The Coercion Act of 1881. 139

CHAPTER XVI.

- The land law of 1881—Free sales—Fixity of tenure—Fair Rent—A statutory term—Compensation for improvements for disturbance—Provisions for the purchase of the landlord's interest—The land commission—The land bill in Parliament; great opposition to it—The attitude of the Irish members—The *London Times*' view of the measure. . . . 150

CHAPTER XVII.

- The application of the Coercion Act—Mr. P. J. Smyth writes to his fellow-citizens at Tralee, severely criticising the violent agitation—Ireland in the summer of 1881—The battle at the Keimaneigh Pass—A parish without a disturbance, a policeman, a post-office or a Protestant—Opposition to the Land League—Mr. Parnell proposes to test, not use the Land Act—Mr. Gladstone denounces Parnell who makes a vigorous reply—The leaders of the League arrested and the organization proclaimed—the No-rent Manifesto. . . . 162

CHAPTER XVIII.

- The excitement produced by the arrest of the leaders of the Land League—Meetings, speeches, and resolutions—Attitude of the Catholic clergy—Prisoners' Relief Associations—The Ladies' Land League issue a proclamation—Open agitation abandoned—Secret societies flourish and outrages continue—The new land law goes into operation, and many tenants apply for its benefits—A specimen no-rent manifesto—The criminals go unpunished. . . . 177

CHAPTER XIX.

- "The Kilmainham compact"—Release of the suspects—Resignation of Lord Cowper and Mr. Forster—The Kilmainham letter—Mr. Forster on Irish affairs—Mr. Forster's administration—The Irish celebrate the release of the suspects. . . . 186

CHAPTER XX.

- The assassination of Lord Cavendish and Mr. Bourke—Various theories in regard to the motives of the assassins—Indignation in Ireland—The Land League denounce the crime—Demand in England for a new measure of coercion—The Prevention of Crimes Act—Trial without a jury, by a court of special commissioners—Special juries—Change of venue—Intimidation defined and provided for—Suspicious strangers—The Curfew clauses—The Alien Act—The Irish party in Parliament obstruct the Bill and are suspended—Irish juries. . . . 194

CHAPTER XXI.

The Arrears of Rent Act—Many tenants deeply in debt to their landlords—Condition of the smaller tenants in the west—The government proposes a gift to certain tenants in arrears, and a loan to others—The measure in Parliament—Pros and cons. 207

CHAPTER XXII.

The application of the Prevention of Crimes Act—Specimen cases cited—Judge Lawson proposes to interfere with the "fashionable pursuit" of "moonlighting"—The conviction of Hynes—Mr. Gray imprisoned for contempt of court—English tyranny denounced—The murder of the Joyce family—Condition of Ireland in August and September, 1882—Outrages Diminishing—Boycotting in Tipperary—"I'd rather be dead than boycotted!" 215

CHAPTER XXIII.

The new land law in Operation—Cases disposed of—What are the improvements?—Decision of the court of appeals in the case of Adams *vs.* Dunseath—Dissatisfaction among the tenants with the decision—Reductions of rents—Beneficial effects of the act in promoting improvements—Social benefits—Danger from shopkeepers and "Gombeen Men"—Value of tenants' interests increasing—Bankrupt tenants will be evicted—The land corporation—Fund for evicted tenants—The great majority of the tenants benefited—Leaseholders dissatisfied. 225

CHAPTER XXIV.

Peasant proprietors—Some objections considered—Experiments in Ireland—Purchasers of the Church lands—Purchasers under the Bright clauses—Difficulties under which the new owners have labored—The experiments successful—A general demand for extending the purchase clauses—The Conservative plan—Enforced sales—What is a fair price?—Mr. Davitt's nationalization scheme. 240

CHAPTER XXV.

The reclamation of waste land—The amount of reclaimable bogs—How bogs are reclaimed—Experiments by Mr. Stonéy and Mitchell Henry—A wilderness turned into a garden—Reclamation by the government—Mitchell Henry's plan—Adverse opinions. 250

CHAPTER XXVI.

Emigration as a remedy for Irish distress—Opposition by Irishmen to the "rooting out" plan—Attitude of the priests—Capacity of Ireland for sustaining a large population—Dr. Playfair on the declining production of human food in Ireland—Many farms too small to sustain families, even without rents and taxes—Illustrations—Clifden Union—The land the only resource in many places—Migratory laborers—The poor laws—Mr. Bourke's account of the distress—Mr. Tuke's emigration scheme—Emigration clause of the Arrears of Rent Act—Need of aid and advice—Medical charities in Ireland. 255

CHAPTER XXVII.

The labor question—Wretched condition of agricultural laborers—Illustrations—laborer's cottages—Poor work and poor pay—Opposition to labor-saving machinery—Provision for laborers' cottages—The Irish labor and industrial union—Its platform—The views of its organizers—Mr. Kelley's plan for reclaiming bog and distributing it among laborers—other openings for labor besides farming—Capital for industrial enterprises—Irish manufactories—Fisheries—Commerce—Mineral wealth. . . . 268

CHAPTER XXVIII.

Education—Relation of Education to the land troubles—The glory of ancient Irish learning—Effect of the penal laws—Recent progress—Institutions for the higher education—University of Dublin—Royal University—Maynooth College—Presbyterian College—Queen's Colleges—Intermediate examinations—The common schools of Ireland—Great decrease of illiteracy—Matthew Arnold and Dr. Playfair on Irish education—Prof. Fawcett on compulsory education—Irish schoolboys—A conundrum—American influence—The Irish language rapidly disappearing. . . . 283

CHAPTER XXIX.

The "Alien" Government—Old animosities—The confiscations—Religious animosities—The Irish not allowed to forget the past—Reforms wanted—Extension of the right to vote—The Belfast Harbor Board in Parliament—Objection to the grand jury system—The Castle—Democratic rotation in office demanded. The courts "too English."—"Would you like an Irish Lord Lieutenant and Chief Secretary?"—Answers by prominent Home Rulers—Mr. Trevelyan—Mr. Gladstone's intimate knowledge of Irish affairs—"The army of occupation." 296

CHAPTER XXX.

Home Rule—What it means—‘Should the imperial government appoint the postmaster at Skibbereen?’—Views of prominent Irishmen—What the business men of Belfast say—The Presbyterian General Assembly—The Irish people tired of agitation—The English Liberals and Irish Reforms—a sentiment of Sir Robert Peel.	311
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APPENDICES.

Appendix A.	319	Appendix H.	338
Appendix B.	324	Appendix I.	341
Appendix C.	328	Appendix J.	350
Appendix D.	332	Appendix K.	353
Appendix E.	333	Appendix L.	404
Appendix F.	334	Appendix M.	436
Appendix G.	336		

APPENDICES.

APPENDIX A.

CHARTER OF THE LAND LEAGUE.

The following is the charter that was adopted by the Land League, organized August 16, 1879, at Castlebar, for county Mayo—the first organized Land League—and accepted in the main by the National Land League, in Dublin, October 21st, 1879.

THIS body shall be known as the National Land League of Mayo, and shall consist of farmers and others, who will agree to labor for the objects here set forth, and subscribe to the conditions of membership, principles, and rules specified below.

OBJECTS.—The objects for which this body is organized are—
1st. To watch over the interests of the people it represents, and protect the same, as far as may be in its power to do so, from an unjust or capricious exercise of power or privilege on the part of landlords, or any other class in the community.

2d.—To resort to every means compatible with justice, morality, and right reason which shall not clash defiantly with the constitution upheld by the powers of the British Empire in this country, for the abolition of the present Land Laws of Ireland, and the substitution in their place of such a system as shall be in accord with the social rights and interests of our people, the traditions and moral sentiments of our race, and which the contentment and prosperity of our country imperiously demand.

3d.—Pending a final and satisfactory settlement of the Land Question, the duty of this Body will be to expose the injustice, wrong, or injury which may be inflicted upon any farmer in

Mayo, either by rack-renting, eviction, or other arbitrary exercise of power which the existing laws enable the landlords to exercise over their tenantry, by giving all such arbitrary acts the widest publicity, and meeting their perpetration with all the opposition which the laws for the preservation of the peace will permit of. In furtherance of which the following plan will be adopted:—(a) Returns to be obtained, printed, and circulated of the number of landlords in this county, the amount of acreage in possession of same, and the means by which such lands were obtained; the farms held by each, with the conditions under which they are held by their tenants, and the excess of rent paid by same over the Government valuation. (b) To publish by placard or otherwise notice of contemplated evictions for non-payment of exorbitant rent, or other unjust cause, and the convening of a public meeting, if deemed necessary or expedient, as near the scene of such evictions as circumstances will allow, and on the day fixed for the same. (c) The publication of a list of evictions carried out, together with cases of rack-renting, giving full particulars of same, name of landlord, agents, &c., concerned, and the number of people evicted by such acts. (d) The publication of the names of all persons who shall rent or occupy land or farms from which others have been dispossessed for non-payment of exorbitant rents, or who shall offer a higher rent for land or farms than that paid by the previous occupier. (e) The publication of reductions of rent and acts of justice or kindness performed by landlords in the county.

4th. This Body to undertake the defense of such of its members, or other local clubs affiliated with it, who may be required to resist by law actions of landlords or their agents who may purpose doing them injury, wrong, or injustice in connection with their land or farms.

5th. To render assistance when possible to such farmer members as may be evicted, or otherwise wronged by landlords or their agents.

6th. To undertake the organizing of local clubs or defense associations in the baronies, towns, and parishes of this county, the holding of public meetings and demonstrations on the Land Question, and the printing of pamphlets on that and other subjects for the information of the farming classes.

7th. Finally, to act as a vigilance committee in Mayo, acting

the conduct of its grand jury, poor-law guardians, town commissioners, and Members of Parliament, and pronounce on the manner in which their respective functions are performed, whenever the interests, social or political, of the people represented by this club render it expedient to do so.

CONDITIONS OF MEMBERSHIP.—First, to be a member of any local club or defense association in the county, and to be selected by such club or association to represent the same on the central or county association. Second, a desire to co-operate in the carrying out of the foregoing objects and subscribing to the principles here enunciated, with a view of propagating the same and laboring for their successful application in Ireland, will qualify non-representative farmers or others for membership in this Body, subject to the subscription and rules laid down for same. Third, to pay any sum not under 5s. a-year towards the carrying out of the foregoing objects and the end for which this Body is created—namely, the obtaining of the soil of Ireland for the people of Ireland who cultivate it.

DECLARATION OF PRINCIPLES.—The land of Ireland belongs to the people of Ireland, to be held and cultivated for the sustenance of those whom God decreed to be the inhabitants thereof. Land being created to supply mankind with the necessaries of existence, those who cultivate it to that end have a higher claim to its absolute possession than those who make it an article of barter to be used or disposed of for purposes of profit or pleasure. The end for which the land of a country is created requires an equitable distribution of the same among the people who are to live upon the fruits of their labor in its cultivation. Any restriction, therefore, upon such a distribution by a feudal land system embodying the laws of primogeniture and entail, the amassing of large estates, and claiming of proprietorship under penal obligations from occupiers, and preventing the same from developing the full resources of the land, must necessarily be opposed to the Divine purpose for which it was created, and to the social rights, security, and happiness of the people. * Before the conquest the Irish people knew nothing of absolute property in land; the land virtually belonging to the entire sept, the chief was little more than the managing member of the association. The feudal idea, which views all rights as emanating from a head landlord, came in with the conquest, was associated with

foreign dominion, and has never to this day been recognized by the moral sentiments of the people. Originally the offspring, not of industry, but of spoliation, the right has not been allowed to purify itself by protracted possession, but has passed from the original spoliators to others by a series of fresh spoliations, so as to be always connected with the latest and most odious oppression of foreign invaders. In the moral feelings of the Irish people the right to hold the land goes, as it did in the beginning, with the right to till it." Those were the words of John Stuart Mill, the English political economist. The landlord system which an alien Government has imposed upon our country in the place of that which recognized no intermediate ownership between the cultivator of the soil and the State, has reduced Ireland to a degree of poverty and social misery, incompatible with the natural productiveness of this land, and the progressive prosperity of other civilized nations. The area of Ireland and the natural wealth of its soil is capable of supporting from twelve to twenty millions of inhabitants if restrictive land laws did not operate against the full development of the country's resources, and the unfettered cultivation of the land. Yet a population of eight millions, previous to the year 1857, was reduced by death, starvation, and exile, consequent upon an artificial famine and continued impoverishment, to little over five million at the present day. Decreased population, with its concomitant absorption of small holdings into large estates, has produced no beneficial change in the condition of the existing farming classes, who are compelled by the coercion of necessity, in the absence of manufacturing industry, to an acceptance of a non-alternative bargain in the shape of an exorbitant rent in order to obtain the use of the soil. The dread of eviction or rack-renting must necessarily operate against that expenditure of labor and enterprise in the cultivation of the land improvement of farm dwellings and premises which follow in every country where the fruit of the people's industry is protected by the State. Hence the soil of Ireland is worse and less cultivated, and the livings and habitations of its agricultural class more wretched, than in any country in the civilized world. Over six million acres of Irish land are owned by less than three hundred individuals, twelve of whom are in possession of 1,297,888 acres between them, while five millions of the Irish people own not a solitary

acre. For the protection of the proprietorial rights of the few thousand landlords in the country a standing army of semi-military police is maintained, which the landless millions have to support, while the conduct of the landocracy in the exercise of its legal privileges occasions almost all the evils under which our people suffer. Thus the right of the soil cultivators, their security from arbitrary disturbance, and incentive to local advancement, together with the general well-being, peace, and prosperity of the people at large, are sacrificed for the benefit of a class insignificant in numbers, and of least account in all that goes towards the maintenance of a country, but which, by the aid of existing land laws extracts some twenty millions pounds annually from the soil of Ireland without conferring a single benefit in return on the same, or the people by whose industry it is produced. If the land in possession of, say, 744 landlords in this country was divided into twenty-acre farms, it would support in ease and comparative independence, over two and a-half millions of our people. To substitute for such an unjust and anomalous system as the present land code, one that would show an equal protection and solicitude for the social rights and well-being of the laboring millions, as that shown for those of the wealthy, but non-operative few, is the principle upon which enlightened statesmanship aims at following in modern times, in order to meet the growing necessities of that popular intelligence and awakening civilization which demand the sweeping away of those feudal laws opposed to the social progress and ideas of the age; sacrificing the interests of the few to the welfare of the many by the abolition of the feudal land codes, has laid the foundation of solid governments, and secured the content of peoples in most European countries. The interests of the landlords of Ireland are pecuniary, and can be compensated, but the interests of the people of Ireland, dependent upon the produce of the soil, is their very existence. In denouncing existing land laws, and demanding in their place such a system as will recognize and establish the cultivator of the soil as its proprietor, we neither purpose nor demand the confiscation of the interests which the landlords now hold in the land, but simply ask that compensation be given them for the loss of the said rights when the State, for the peace, benefit, and happiness of the people shall decree the abolition of the present system.

We appeal to the farmers of Ireland to be up and doing at once, and organize themselves forthwith in order that their full strength may be put forth in behalf of themselves and their country in efforts to obtain what has brought security and comparative plenty to the farming classes of continental countries. Without an evidence of earnestness and practical determination being shown now by the farmers of Ireland and their friends in their demand for a small proprietary, which alone can fully settle the great Land Question of the country, the tribunal of public opinion will neither recognise the urgent necessity for such a change, nor lend its influence in ameliorating the condition, or redressing the social and political wrongs of which we complain. Let us remember, in the words of one of Ireland's greatest sons, that the land is the fount whence we all ultimately draw, and if the terms on which the land is cultivated be unfair, if the agricultural system of the country be unsound, then the entire structure is rotten, and will inevitably come down. Let us never forget that mere appeals to the public to encourage native industry in other departments must be utterly futile as long as the great and paramount native industry of the farmer is neglected. In vain shall we try to rouse the national spirit if the very men who make a nation sink into paupers before our faces. Paupers have no country, no rights, no duties, and, in short, if we permit the small farmers to be reduced to pauperism, if we see them compelled to give up their lands and throw themselves on public relief, there is an end of Ireland.

APPENDIX B.

MR. PARNELL'S APPEAL TO THE IRISH RACE FOR THE SUSTAINMENT OF THE IRISH NATIONAL LAND MOVEMENT.

[Issued immediately after the organization of the National Land League.]

The land and rent agitation which has originated in the West of Ireland, and is rapidly spreading throughout the country, has now assumed such national proportions that it becomes a question of first importance to all who sympathize with its legitimate objects, how best to guide the popular movement to the attain-

ment of those ends. Temporary abatements of excessive rents are being, and may continue to be obtained through the various agencies of a sympathetic but unorganized advocacy, which the existing wide-spread and alarming distress elicits from the press and bodies of the community; but without the creation of some constituted guide or directing influence, the primary, if not the sole cause of the existing poverty of the agricultural classes will not be removed.

Independent of the effect which the products of the vast free lands of America and other favored countries must have in competition with the produce created under rent-tied and paralyzing conditions in Ireland, almost all the evils under which her people suffer are referable to a land system glaringly antagonistic to the first principles of justice and fair government, which place the good of the greatest number above the privileged gratification of the few. Landlordism, founded as an institution of systematic partiality, has proved itself but too true to the spirit of its origin by reducing all who are dependent on, but unprotected by ownership of the soil, to a degraded, semi-mendicant existence, and in addition induces the loss of that independent character which arises from an independence of position.

The duties which feudal laws and customs exacted in return from those in whom they recognized certain arbitrary rights, have been ignored by Irish landlordism in its relations to the soil, and those dependent upon the fruits of its cultivation, thus adding to the other indictments against a non-fulfilment of essential obligations.

Any land system which does not tend to improve the value of land, and enable cultivation to meet the exigencies of those dependent upon its produce stands self-condemned as barbarous, unjust, and reprehensible. The diminished population of our country, the millions of our race who perished in or fled from a land in which God intended they should not die by hunger; the continued struggle with poverty which those have to maintain who yet cling to their native soil, and the periodic climaxation of the impoverishing influences which landlordism exercises upon the social life of Ireland, demand at last, in face of yet another impending national calamity, the application of a remedy which can no longer be denied the salvation of a people. In contrast to the social wretchedness to which a barbarous land system has

reduced our country is the rapidly progressing prosperity of those people at whose demand, or for whose benefit such a system has been swept away, and the cultivator of the soil has replaced the landlord as its proprietor. The surplus produce of lands thus freed and agricultural industry, thus relieved from its rent-taxation is now placed, by easy transit over sea and land, in competition, with what is produced under conditions of land tenure the most unfavorable, and incentives to toil the least encouraging, that ever regulated the chief industry of any civilized country. When to this is added the adverse influences of successive bad seasons, on the point of culminating in what threatens to be the worst yet experienced since famine years, the position of the Irish farmer, and those depending upon the fruits of his enterprise and labor, assumes an aspect of menacing ruin, which to consider as transient or accidental, would be a criminal disregard of the vital existence of a people.

Impelled by the desperate circumstances of their situation, the farming and other classes concerned have proclaimed their grievances in public meetings and by the press, demanding the remedies which alone can redress them. A consensus of opinion, apart from immediate interestedness, has declared that the remedy put forward by the present agitation is founded on justice, reason, and expediency, and that its application is absolutely essential to meet the evils complained of, and insure the prosperity and contentment of Ireland. In formulating a demand for ownership of the soil by the occupiers in substitution for that of the landlords, the people of Ireland neither contemplate nor ask for the confiscation of those proprietorial rights which existing laws must necessarily recognize and protect, but that for the transfer of those rights to an industrial ownership a fair compensation may be given to those who shall be called upon to agree to such transfer for the settlement of the agrarian strife of the country and the supreme good of its people. To carry out a project as vast as that which we contemplate, must require means in proportion to the difficulties that must be encountered in the undertaking. Tenants' Defense Associations must be organized in every county and assistance be rendered to farmers who may be called upon to defend themselves against an unjust and capricious exercise of landlord power. The wealth of Ireland is almost entirely in the hands of that class which we propose for the good of

the country to deprive of the absolute possession of the soil, and it is but natural to expect that strong and influential opposition will be offered by those who will be called upon to surrender the privileges they have so long enjoyed—even in virtue of compensation and expediency. To meet this opposition, and guide the national movement for freeing the land of Ireland, assistance of two kinds must be forthcoming; the one, and most essential kind, is an organized development of earnestness and a resolute attitude on the part of the six hundred thousand landless farmers of Ireland, as well as those whose daily bread depends upon the prosperity of their fatherland, in demanding their just rights as guaranteed in the settlement we propose. The second aid required is money. Neither has ever been wanting when the national spirit of our country, and the patriotism of her exiled sons have been appealed to in a patriotic cause, and we are confident they will not be withheld now when the very soil of Ireland is the object we desire to free, and the land slavery of our people the thing we are resolved shall be abolished for ever.

None of our race have had such bitter experience of the wrongs of landlordism as those who have been compelled to seek abroad the food denied them at home, and none should more readily and generously sympathize with those who are resolved to retain a firm grip on their Irish homesteads, than the exiled who were forced by iniquitous laws to leave them.

In the great Shelter Land of Peoples, ten millions of the Irish race have found a home. The system we aspire to abolish, has banished them from Ireland. Benefiting by laws which afford equal protection and encouragement to all citizens of the Great Republic of America, they can appreciate the efforts which aim at affording equal incentives to progress to their crushed and persecuted kindred here.

Not alone to our fellow countrymen in America, but to all whom evil laws have scattered the world over, as well as to all other nationalities who sympathize with a wrong and impoverished people, who are at last resolved upon a remedy for the evils afflicting them, do we call for an advocacy of our cause, and support in our efforts to achieve success.

In constituting ourselves a committee for the purpose of carrying out this work, we are animated with but one desire—to aid the tenant farmers and those depending upon the soil of Ireland, to

lift themselves from the misery and social degradation in which they are plunged, into a position where the notice to quit and the rack-rent will not operate against their industry, security and contentment. We are influenced by no party spirit in making this appeal. Nor do we in any way purpose to place this committee in antagonism with existing bodies or organizations employed in other departments of national labor. To free the land of Ireland from the unwise and unjust restrictions which militate against its proper cultivation, and prevent the development of its full resources, should be a labor above the customary influences of party or sectional strife, and be guided alone by motives of disinterested effort for the benefit of our common country, and the improvement, contentment and prosperity of the greatest number of our fellow-countrymen.

The grounds upon which we feel authorized to issue this appeal, are the fact of our being either directly or indirectly connected with the agitation which has sprung from the distress that has evoked a national condemnation of the present land system. As this land movement has won an endorsement from public opinion of an occupier proprietary settlement of the land question, those who have advocated such a remedy, prior to and in conjunction with the national demand now made for it, feel themselves justified in taking such steps as may be best calculated to insure its application to the existing land evils of our country.

In pursuance of this intention, we issue this appeal to Irishmen the world over, and to those who sympathize with the object in view, to aid us in our efforts to obtain for our people the possession of an unfettered soil, and for Ireland the benefits which must result from an unrestricted development of its products and resources.

APPENDIX C.

THE NO-RENT MANIFESTO.

[Issued Oct. 18th, 1881.]

TO THE IRISH PEOPLE:

Fellow Countrymen.—The hour has come to test whether the great organization built up during years of patient labor and sacrifice, and consecrated by the allegiance of the whole Irish

race the world over, is to disappear at the summons of a brutal tyranny. The crisis which we are to face is not of our own making. It has been deliberately forced upon the country, while the Land Act is yet untested, in order to strike down the only power which might have extorted any solid benefits for the tenant-farmers of Ireland from that act, and to leave them once more helplessly at the mercy of a law invented to save landlordism, and administered by landlord minions. The Executive of the Irish National Land League, acting in the spirit of the resolutions of the National Convention—the most freely-elected representative body ever assembled in Ireland—was advancing steadily in the work of testing how far the administration of the Land Act might be trusted to eradicate from the rents of the Irish tenant-farmers the entire value of their own improvements, and to reduce these rents to such a figure as should for ever place our country beyond the peril of periodical famines. At the same time, they took measures to secure, in the event of the Land Act proving to be a mere paltry mitigation of the horrors of landlordism, in order to fasten it more securely upon the necks of the people, that the tenant-farmers should not be delivered blindfolded into the hands of hostile law courts, but should be able to fall back upon the magnificent organization which was crushing landlordism out of existence when Mr. Gladstone stepped in to its rescue. In either event the Irish tenant-farmers would have been in a position to exact the uttermost farthing of their just demands.

It was this attitude of perfect self-command, impregnable while there remained a shadow of respect for law, and supported with unparalleled enthusiasm by the whole Irish race, that moved the rage of the disappointed English Minister. Upon the monstrous pretext that the National Land League was forced upon the Irish tenant-farmers—an organization which made them all-powerful, and was keeping them by intimidation from embracing an act which offered them nothing except helplessness and uncertainty, the English Government has cast to the winds every shred of law and justice, and has plunged into an open reign of terror in order to destroy by the foulest means an organization which was confessedly too strong for it within the limit of its own English Constitution. Blow after blow has been struck at the Land League in the mere wantonness of brute force. In the face of

provocation, which has turned men's blood to flame, the Executive of the Land League adhere calmly and steadily to the course traced out for them by the National Convention. Test cases of a varied and searching character were, with great labor, put in train for adjudication in the Land Court. Even the arrest of our President, Mr. Charles Stewart Parnell, and the excited state of the popular feeling which it evoked, did not induce the Executive to swerve in the slightest from that course, for Mr. Parnell's arrest might have been accounted for by motives of personal malice, and his removal did not altogether derange the machinery for the preparation of the test cases which he had been at much pains to perfect. But the events which have since occurred—the seizure, or the attempted seizure, of almost all the members of the Executive, and of the chief officials of the League upon wild and preposterous pretences, and the violent suppression of free speech—put it beyond any possibility of doubt that the English Government, unable to declare the Land League an illegal association, defeated in the attempt to break its unity, and afraid to abide the result of test cases watched over by a powerful popular organization, has deliberately resolved to destroy the whole machinery of the Central League with a view to rendering an experimental trial of the Act impossible, and forcing it upon the Irish tenant-farmers on the Government's own terms. The brutal and arbitrary dispersion of the Central Executive has so far succeeded, that we are obliged to announce to our countrymen that we no longer possess the machinery for adequately presenting the test cases in court according to the policy prescribed by the National Convention. Mr. Gladstone has by a series of furious and wanton acts of despotism driven the Irish tenant-farmers to choose between their own organization and the mercy of his lawyers—between the power which has reduced landlordism to almost its last gasp, and the power which strives, with all the ferocity of despotism, to restore the detestable ascendancy from which the Land League has delivered the Irish people.

One constitutional weapon now remains in the hands of the Irish National Land League. It is the strongest, the swiftest, the most irresistible of all. We hesitated to advise our fellow countrymen to employ it until the savage carelessness of the English Government provoked a crisis in which we must either consent to see the Irish tenant-farmers deprived of their organization and

laid once more prostrate at the feet of the landlords and every murmur of Irish public opinion suppressed, with an armed band, or appeal to our countrymen to at once resort to the only means now left in their hands of bringing this false and brutal Government to its senses. Fellow Countrymen, the hour to try your souls and redeem your pledges has arrived. The Executive of the National Land League, forced to abandon the policy of testing the Land Act, feels bound to advise the tenant-farmers of Ireland from this time forth to pay no rents under any circumstances to their landlords, until the Government relinquishes the existing system of terrorism and restores the constitutional rights of the people. Do not be daunted by the removal of your leaders. Your fathers abolished tithes by the same methods without any leaders at all, and with scarcely a shadow of the magnificent organization that covers every portion of Ireland to-day. Do not let yourselves be intimidated by threats of military violence. It is as lawful to refuse to pay rents as it is to receive them. Against the passive resistance of an entire population, military power has no weapons. Do not be wheedled into compromise of any sort, by the dread of eviction. If you only act together in the spirit to which, within the last two years, you have countless times pledged your vows, they can no more evict a whole nation than they can imprison them. The funds of the National Land League will be poured out unstintedly for the support of all who may endure eviction in the course of the struggle. Our exiled brothers in America may be relied upon to contribute, if necessary, as many millions of money as they have contributed thousands, to starve out landlordism and bring English tyranny to its knees. You have only to show that you are not unworthy of the boundless sacrifices in your cause. No power on earth, except faint-heartedness on your own part, can defeat you. Landlordism is already staggering under the blows which you have dealt it amid the applause of the world. One more crowning struggle for your land, your homes, your lives—a struggle in which you have all the memories of your race, all the hopes of your children, all the sacrifices of your imprisoned brothers, all your cravings for rent-enfranchised land, for happy homes and national freedom to inspire you—one more heroic effort to destroy landlordism at the very source and fount of its existence and the system which was and is the curse of your race

and existence will have disappeared for ever. The world is watching to see whether all your splendid hopes and noble courage will crumble away at the first threat of a cowardly tyranny. You have to choose between throwing yourself upon the mercy of England and taking your stand by the organization, which has once before proved too strong for English despotism. You have to choose between the land for the landlords and the land for the people. We can not doubt your choice. Every tenant-farmer in Ireland is to-day the standard bearer of the flag unfurled at Irishtown, and can bear it to a glorious victory. Stand together in the face of the brutal and cowardly enemies of your race! Pay no rents under any pretext. Stand passively, firmly, fearlessly by, while the armies of England may be engaged in their hopeless struggle against a spirit which their weapons can not touch. Act for yourselves, if you are deprived of the counsels of those who have shown you how to act. No power of legalized violence can extort one penny from your purses against your will. If you are evicted, you should not suffer. The landlord who evicts will be a ruined pauper, and the government which supports him with its bayonets will learn in a single winter how powerless its armed force is against the will of a united, determined and self-reliant nation."

APPENDIX D.

PROCLAMATION OF THE LAND LEAGUE BY THE LORD LIEUTENANT OF IRELAND.

"Whereas an association styling itself the Irish National Land League has existed for some time past, assuming to interfere with the Queen's subjects in the free exercise of their lawful rights, and especial to control the relations of landlords and tenants in Ireland, and whereas the designs of the said association have been sought to be effected by an organized system of intimidation, attempting to obstruct the service of process, and execution of the Queen's writs and seeking to deter the Queen's subjects from fulfilling their contracts and following their lawful callings and occupations; and whereas the said association has now avowed its purpose to be, to prevent payment of all rent, to

effect the subversion of the law as administered in the Queen's name in Ireland, now we hereby warn all persons that the said association, styling itself 'The Irish National Land League,' or by whatsoever other name it may be called or known, is an unlawful and criminal association and that all its meetings and assemblies to carry out or promote its designs or principles, are alike unlawful and criminal, and will be prevented, and if necessary, dispersed by force; and we hereby warn all subjects of Her Majesty, the Queen, who may have become connected with the said association, to disconnect themselves therefrom and abstain from giving further countenance thereto, and we do hereby make known that all the powers and resources at our command will be employed to protect the Queen's subjects in Ireland, in the free exercise of their lawful rights and the peaceful pursuit of their lawful callings and occupations to enforce the fulfilment of all lawful obligations, and to save the process of the law and the execution of the Queen's writs from hinderance or obstruction; and we do hereby call on all loyal and well affected subjects of the crown, to aid us in upholding and maintaining the authority of the law and the supremacy of the Queen in this, her realm of Ireland.—Dated at Dublin Castle, this 20th day of October, 1881, by his Excellency's command.

W. E. FORSTER.

APPENDIX E.

AN EXTRACT FROM A PASTORAL OF CARDINAL McCABE TO THE CHURCHES OF HIS DIOCESE ON THE NO-RENT MANIFESTO.

"Only a few days ago over-confiding men were startled from their dream of security by the publication of a manifesto, which at once assailed the eternal law of God, and struck at the foundations on which society rests—the rights of property. Passing over all the other cases, in which these rights are threatened, let us confine ourselves to one particular class of the community. There were and are as we all know hundreds of honest, industrious men among us who, trusting to the faith of the public conscience, and calculating on the security which a duly constructed government is expected to give, invested the fruits of their years

of toil and self-sacrifice in property, by which they hoped that they and theirs might draw the means of an honorable subsistence. But all this must be swept away by the breath of a handful of men, the bulk of whom have neither stake or interest in the country. We disregarded the warnings which cautioned us against the dangers that lurked in specious programmes, pretending to aim at naught save the redress of the wrongs of an oppressed people. But now God's providence has forced from the lips of unsafe guides an avowal of their aims, and if the notice to pay no rents be not the teaching of communism, communism is yet to be defined. Let no one suppose that we have a word to say in defense of the oppressors of the poor. We feel as keenly as the most outspoken of our brethren in the sacred ministry the cruel injuries worked by bad laws on the defenseless tenants of Ireland. But we must never allow our abhorrence of injustice to betray us into a repudiation of the claims of justice: and if God's blessing is to be invoked in our struggle for right, God's sacred ordinance must not be outraged in that struggle. If to-day the landlord's claim to his just rent is questioned, who will guarantee the tenant's right to his outlay of money and toil to-morrow? Injustice will pay injustice, and in the days of retribution the wrongdoer will be laughed at when he seeks for sympathy in his troubles. The issue is now plainly put to our people. Who of the two will they follow, the men who have marked out a road that must lead to anger with God and disgrace before the Christian world or the bishops of Ireland, who, through a glorious and unbroken succession of fourteen centuries, are the heirs of those who encountered poverty, exile, nay, death in its most terrible form for that people with whom their lives were irrevocably bound up?"

APPENDIX F.

ARCHBISHOP CROKE'S SENTIMENTS ON THE NO-RENT MANIFESTO.

"The Palace, Thurles, October 19, 1881.

"MY DEAR SIR:—I have just read, with the utmost pain, and, indeed, with absolute dismay, the manifesto issued yesterday, by

the leading incarcerated patriots of Kilmainham Gaol, and publicly proclaimed to the country at large on their behalf, from the Land League rooms in Sackville street. Against the committal of the people of this country, even under still more exciting and critical circumstances than the present, to the doctrine of the non-payment of rent, though but for a certain specified time, I must, and hereby do enter my solemn protest. At no time an enrolled member of the Irish National Land League, I have been, nevertheless, a steadfast and uncompromising supporter of its public policy as a whole, believing the same to be thoroughly legal and constitutional, and calculated to lead to great national results. I am precisely of the same mind still; but I have invariably, both in my published utterances and in private discourse, in Ireland and out of it, before lay folk and ecclesiastical men, whether in high or low degree, here at home on Tipperary soil, as well as in lands beyond the seas, unequivocally stated that I stood out for fair rents, and for nothing more—for the safe foothold of our agricultural classes upon Irish soil, there to be wholesomely fed, fairly clothed and suitably lodged; and that the absolute repudiation of rent, should it ever find public expression in Ireland, would meet with no sympathy whatever from me. Such are substantially my views, frequently expressed and not unknown to more than one of the signatories to yesterday's manifesto. I shall say no more just now. I need not do so. I regret, indeed, to have been obliged to say so much. I hold to the original platform of the Irish National Land League. There is no more reason for abandoning it now than there was when Davitt took possession of a cell in Portland, or when Dillon, with his 200 compatriots, were committed to Kilmainham Gaol. It was a sound policy, the original policy of the League. It was a statesman-like policy. It was a sufficiently elastic policy. It was a righteous policy. Tested by experience and results, it was a successful policy as well. It welded bishops, priests and laymen into one loving brotherhood of national work. It pains me, then, sorely to think that any attempt should now be made to displace the old lines, especially by the very men by whom they were so judiciously laid down. Anyhow, I thoroughly believe in the policy of the past in all its substantial branches, and I quite as firmly believe that the policy now so impetuously recommended to the country instead, besides being con-

demned on the grounds of principle and expediency, can lead to nothing but disintegration and defeat.

"I am, my dear sir, your very faithful servant,

F. W. CROKE, Archbishop of Cashel."

A few days later he said: "The trusted leaders of the people have been clutched by the salaried supporters of 'law and order' and cast into prison; the boasted privileges of the British Constitution have been practically cancelled—so far, at least, as this country is concerned; liberty of speech and meeting exists no longer, except for a favored few; sick men are seized upon in the very height of their malady and mercilessly flung into Gaol; a reign of terror, in fact, not less certain, though happily, less sanguinary than that which existed in France in the days of its national frenzy, exists in our midst; and no man, if free to-day, can be sure that he will not be in the Gaol to-morrow. Such is the state of Ireland to-day, and all these changes have come upon us since last I had the pleasure of addressing you. But there is one thing that has not changed since then. The spirit of the country, though fiercely assailed, has not been broken or even impaired; the determination of the people to win their rights has not been shaken, but rather strengthened and consolidated by the pressure by which it was sought to be subdued; and the great organization which has achieved such wonderful results both in educating and uniting the people, though proscribed and supposed to be annihilated, will, I predict, yet rise from its ashes, like that fabled bird that we read of, and give proof in reality that it was not dead but, sleeping."

APPENDIX G.

AN ADDRESS PRESENTED TO THE LORD LIEUTENANT OF IRELAND, BY THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN IRELAND.

[June 29, 1882.]

TO HIS EXCELLENCY, EARL SPENCER K. G. LORD LIEUTENANT-GENERAL AND GENERAL GOVERNOR OF IRELAND.

May it please your Excellency:

As the General Assembly of the Presbyterian Church in Ireland, we seize the earliest opportunity of tendering to your Ex-

cellency a hearty and united welcome. When previously discharging the duties of the high office which you now hold, you secured the warm and loyal regard of all the people, and we rejoice that one so eminently qualified and so universally esteemed should have been again appointed to represent Her Gracious Majesty in this island.

Representing as we do, the Presbyterian population of the country, we tender to your Excellency their firm support in the administration of justice and in the restoration and maintenance of order, and we renew to you the assurance of our ancient and unswerving loyalty to the Throne, and of our determination to keep unbroken the union between Great Britain and Ireland. We deplore the present unhappy condition of many districts of our country, the prevalence of agrarian crime, the presence of a lawless and disaffected spirit, the spread of opinions which sap the foundations of morality, the many cruel forms of outrage, and the light regard for human life. We deplore them all the more because they occur at a time when remedial measures have been introduced and when a great, generous and patient effort has been made to settle, on a permanent basis, questions that affect a vast number of our people.

We have been filled with horror and shame for our country by the terrible assassinations that have stained the soil with blood, and that reached their climax in the merciless cruelty with which your Excellency's late Chief Secretary, Lord Frederick Cavendish, and the Under Secretary, Mr. Bourke, were murdered on the very summer afternoon when your Excellency had announced a message of confidence, peace, and good will. We have been saddened to think that such crimes as these can be committed without detection, and that thus the criminals can escape without punishment.

We trust that these days of evil will be mercifully shortened, and that by the firmness and sympathy, the prudence and justice of her Majesty's Government, it soon will be possible to unite all the people in obedience to the law, to remove the inequalities that may still press upon any class, to restore kindly feeling, and to lay the foundation of prolonged prosperity and prolonged repose. We pray that during your Excellency's term of office you may be spared to see this future that we long for, and to which your knowledge, your abilities and your position must powerfully

contribute ; that it may please Almighty God thus to bless your Viceroyalty to the permanent good of Ireland ; that your life and the life of Her Excellency, the Countess Spencer, may be shielded from all harm ; and that, when you must leave our shores, you will carry with you the trust, the gratitude, and the affection of all the people.

Signed in the name and by the authority of the General Assembly of the Presbyterian Church in Ireland.

T. Y. KILLEN, *Moderator.*

JOHN H. ORR, *Clerk.*

APPENDIX H.

AN EXTRACT FROM AN ADDRESS DELIVERED BY ARCH-BISHOP CROOKE, AT EMLY.

[July, 30th, 1882.]

* * * * *

“ I shall rather ask you to consider with me for a moment our actual condition and future prospects as a struggling people—that is to say, what gains, if any, we have made for the last three years, and how best we may secure and even augment them. Here, then, in the rough, is substantially what we have gained. First and foremost, up to three years ago, it was generally believed by the great mass of our people that an Irish agriculturist was a mere rent-making machine, and that it was his bounden duty to work contented in that way, for a minimum recompense, day and night, without ceasing. Every sane and unprejudiced individual you now meet with is fully convinced that the industrious husbandman has a first call on the fruits of the land he tills ; and that, while a fair rent should be paid, when possible, to the owners of the soil as a capitalist, the cultivator of it and his family should be decently supported out of it as well. Secondly, up to three years ago in Ireland, the landlord and his agent, irrespective altogether of their character for either justice or mercy, were fawned upon and flattered, and almost worshipped, externally at least, by the miserable serfs whom they fed on and despised. To-day the good and just landlord is respected, as he ought to be ; whilst the tyrant, though still dreaded, is at the same time defied. Thirdly, up to three years ago

in Ireland, a farm from which an industrious tenant had been evicted for the non-payment of excessive rent would not be twenty-four hours vacant when scores of fools would be found to compete ruinously with each other for its possession. To-day, no one would think of touching it. Fourthly, up to three years ago in Ireland, few there were who took a practical interest in the condition of our agricultural laborers. They worked from six o'clock in the morning till six o'clock in the afternoon, and for wages which in other countries they might earn in a few hours. They lived in cabins scarcely fit for savage men ; were fed miserably, and clad in rags. To-day, though for the most part, fed and housed quite as wretchedly as ever, they are attracting a good deal of attention to their just complaints ; and if the tenant-farmers here present, and those elsewhere whom my words may reach and possibly influence, would but take a bit of friendly advice from me, they would, from motives of policy as well as of gratitude, look, without delay, to the sad case of their laborers, and strive to improve their condition, as far as is possible for them in reason to do so. Fifthly, up to three years ago in Ireland agitation was at a discount. The people were without heart. They had been more than once betrayed by so-called leaders in whom they put their trust. Fine speeches were made for them, and fine promises given them ; but, the orator very often sold himself for pay or preferment soon after swearing that he would die rather than do so and the promises were left, for the most part, unfulfilled. But the trumpet of our resurrection was sounded at last. It had pleased Providence to spread famine like a pall, over the land. Men were awakened by it to a sense of their mean and mendicant condition ; and the cry went forth, and was wafted by priests and people from shore to shore, that Ireland was made for the Irish, and that now or never we should assert our right, not alone to live, but to thrive as well in our native land. Our brethren in America and at the Antipodes took up the echoes of our expressed resolve, swelled the chorus of our complaints, and they gave to the whole civilized world the full and sickening story of Ireland's wretchedness and wrongs. Our rulers paused, pondering gravely at length on passing Irish events, gauged their significance aright ; and as usual, struck by the justice of our organization, introduced remedial measures of a substantial character into the House of Com-

mons, and passed them successfully into law. Thereupon, landlords trembled throughout the length and breadth of the land, and rack-rents received a staggering if not a death blow in Ireland. Moreover, we have a phalanx now representing us in the British House of Commons that cannot be bribed or intimidated; and, as we mean soon, please God, to pay our members we shall add largely, ere long, to the numerical and effective strength of the advanced party in Parliament. On the whole, then, we have been victorious. The justice of our cause has been universally recognized; rents have been reduced from twenty to twenty-five per cent. all round, even by Government Commissioners; further ameliorations are confidently hoped for; and so the sun of Ireland's prosperity may be said to have begun to shine out at last, after a long and dreary night of desolation and darkness. But what of the future? Are we able and willing to hold our own, and will we do so—whether against Kavanagh's confiscation scheme, or the coercive legislation of Mr. Gladstone? Will the Landlord League like Aaron's rod, eat up the People's League, and will the threats of fine and imprisonment with which the air is now full frighten and corrupt us? On this score I have no apprehensions. But, my dear friends, you have heard it said, and truthfully said, that force is no remedy. I take leave to add, and to add most emphatically, as a warning to you, that crime in like manner is no remedy. It is my firm conviction that you have no enemy to dread at this moment but yourselves! Crime and outrage on the part of any section of our people are the only things that I am now afraid of. I dread crime—first, because it is sinful, and because I believe that sin, as a rule, is punished even in this life. I dread crime, secondly, because it will give you a bad name where we desire to be well thought of, estranging from our cause the sympathies of all good and high minded men, besides bringing direct disgrace on our religion and country. I dread it, thirdly, because of the suffering and sorrow which it is sure to entail, not upon its victims alone, but upon its agents and abettors as well. Be just and fear not—that is my motto. Let it be yours also. Violate no law, whether human or divine. Avail yourselves, by all means, of every constitutional agency still within your reach to assert your inalienable right to live and thrive in Ireland. Bear ill-will to no

body ; tolerate all, but trust, in those troubled times, only a few. All the coercive laws that can be dreamed will not succeed, I fear, in inducing our people to love and make free with, however they may pray for and forgive, those who have injured and insulted them, or sided with their reputed enemies ; but be that as it may, no law can oblige you to bid for a vacant evicted farm, or to pay an amount of rent which you have notoriously been unable to make. Be cautious, then, be resolute, and above all, be reasonable. Now, as in the past, whatever you do in the way of agitation, let it be done or spoken in the open light of day. Stick to the old country for weal or woe. Don't think of emigrating if you can at all help it. Ireland is the fittest place for Irishmen to live in. Hold on to the original lines of the national organization. Strive to secure your land in fee, or, at least, for the fair letting value. Have nothing to do with theories however plausible or attractive. Avoid angry collision of any sort with the constitutional authorities ; submit quietly to what you cannot control ; be prepared to make reasonable sacrifices for the public weal ; put your trust in God above you ; and rest assured withal of the full and final triumph of right and justice."

APPENDIX I.

MR. DAVITT'S PLAN FOR NATIONALIZING THE LAND OF IRELAND.

[An extract from a speech delivered at Liverpool, June 6th, 1882.]

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"I am about to undertake a task that should have been performed long ago, that is the definition of "the land for the people"—the charter cry of the Land League and the bugbear of the Conservative organs. In doing this I will lay myself open to the suspicion of differing from Mr. Parnell and most of my colleagues in the Land League movement, but the fact is, there is not a particle more of difference of opinion between the member from Cork and myself upon this question than there was when we first stood together upon a public platform in Westport three years ago. Mr. Parnell advocates peasant proprietary. I am in

favor of the land becoming the national property of Ireland. If peasant proprietary is conceded either by Lord Salisbury when he gets into power or by Mr. Gladstone ere he gets out, I am perfectly satisfied that the purchase money that must be advanced by the State for carrying out such a scheme will become the title deed of the State to the land of Ireland, and that the nationalization of the land will be the consequence. Believing this to be inevitable from the growing poverty of Irish agriculture, I am almost indifferent whether Mr. Parnell's plan or my own be adopted; but as I was the first to raise the cry of "The land for the people," I think the time has now come for giving a clear definition of what I mean and propose. The following statistics will be given only as an approximation to the actual figures, because I have been compelled to borrow them from my "Jail Journal," and I have not had time since my release from prison to compare them with later official returns—putting the average annual value of all the cereal produce of Ireland at £30,000,000 and the annual produce of live stock wealth at say half the total return for any given year, we will have about an equal sum of £30,000,000. This will give, say £60,000,000 as the total annual produce of the land. Assuming the present annual rental of the land to be £15,000,000 we have thus one-fourth of the gross produce of Ireland or twenty per cent. of the annual wealth of the county, seized upon by the Irish landlords. Twenty pounds out of every one hundred that is earned by the labor and enterprise of our agricultural class is claimed by a small number of persons who contribute nothing whatever to its production, and to cap the climax of this annual confiscation by taking most of the money out of the country which produced it, and spend it to the benefit of other lands and people than ours. I maintain that rent for land that is cultivated by labor alone, or by the joint agencies of capital and labor, independent of landlord assistance, risk, or superintendence, is an unjust and indefensible tax upon a country's industry, that can be more truly described as legal theft than by the conventional terms that designate it a tribute legally due to the prescriptive rights of an unjustly privileged class. If the land became national property, landlordism being abolished, and full State protection and encouragement given to the produce of industry and capital, it would be no exaggerated estimate to put down the yearly value of the cereal

wealth as double the present amount, that is, £60,000,000. Added to this the former estimate of yearly live stock wealth, we would have a total of £90,000,000 annually from the land of Ireland. Allowing 10 per cent. off this for diminution of prices consequent upon increased production, we would still have £20,000,000 more wealth from the soil every year than we have now under the existing state of things. Instead of charging this yearly cereal and live stock wealth with a 20 per cent. rent to the landlords, it would only be taxed under the national land system in proportion to the amount of money required for the civil government of the country, administration of law, police, education, hospitals, poor rate, water rates or the various public purposes for which special taxes are now levied upon the country, and duties placed upon the food and comforts of the people. To see what such a tax would amount to ordinarily and thereby determine the difference between the rent now paid to the landlord and the land tax that would then have to be paid to the State, it will be necessary to make an estimate of the probable annual public expenditure of Ireland. We will put down the cost of civil administration, including payment of police, at £4,000,000; education, £1,500,000; poor rate, £1,000,000. total local rates, £2,000,000; borough and water rates, £1,000,000; giving in all a total of £9,500,000 annual outlay in carrying on the national business of the country. In order to meet this yearly public charge without levying a penny of it upon the non-agricultural classes, that is exempting all classes from both the direct and indirect taxation that is now imposed for Imperial and local government purposes, we should only have to abolish landlordism and rent for land, and place such a tax upon the land values as would meet the public expenditure, as just specified. Ten per cent. on the gross annual agricultural produce of Ireland, or half what is now paid to the landlords in rent and lost to the country would, under the national land system, carry on the civil government of Ireland, save the tenant farmer half of what he now pays in rent, remove all the taxes that now fall upon the mercantile, commercial, professional, and industrial classes, and take off those duties from the commodities of daily life that burden the lives of the artisan and laboring classes, and deprive the masses of healthy and sufficient food. The State would simply be the

steward of the national property for the use of that property, and for the protection that would be given to the farmer and laborers who worked it from the confiscation of their interest in the same a tax of say ten per cent. upon the estimated annual produce would be levied. This tax, instead of going into the pockets of a class, and being lost to the country, would be expended in the interests of the country, and would augment the national prosperity. The farmer would have absolute security of tenure from the State, subject to the payment of this nominal tax, while the property which his capital and industry would create in the land he cultivated, would be his to dispose of when he pleased, as tenant right is now sold or disposed of, when farmers so desire; such tenant right or property created in the soil by improvements not to be interfered with or taken by the State without a full equivalent compensation being given in return by the State; agricultural laborers to be secured the occupancy of such plots of land by the State as would be sufficient to supply themselves with the independency and comforts that are claimed for them under the peasant proprietary plan; the professional and trading classes would be exempt from direct taxes; the great industrial and laboring classes would be freed from all the tribute that is now levied upon their earnings in the shape of borough and county rates, while those duties which place nearly all the comforts and luxuries of life beyond the reach of the poorer industrial orders could be entirely removed to the direct gain of the whole community. Thus the non-agricultural classes would receive a dividend out of the annual produce of the land equivalent to what they now pay out of their earnings for the carrying on of the general and local government of the country, the education of the people, and the support of the destitute and infirm; while the farmers would possess all the security that a peasant proprietary could offer without having to provide the purchase money, which such a scheme would require them to pay for the fee simple of the land. They, like the rest of the community, would also be free from the taxes, rates, and duties upon articles of consumption that are now levied upon the public generally. This is what I mean by "the land for the people." The questions that will at once be addressed to the proposer of such a scheme of social reform will be—1st. Upon what grounds can the

land be resumed as the property of the State? 2d. Would such system be the best for society and the interests of good Government? 3d. Is it feasible, and what compensation, if any, are the landlords to receive for the expropriation of the property which they claim to have in the soil? I will endeavor to answer those objections in the order in which I have put them. To make the land of Ireland or of any other country national property, would simply be the resumption of that State ownership of the soil which obtained amongst all nations anterior to the system of land monopoly which class government has established for the aggrandizement of a privileged section of society. This system of land monopoly having failed completely as a land code—as is evidenced in the social discontent, the prevalence of poverty, and the non-fulfillment of the obligations upon the performance of which it could alone rest a claim for existence—it becomes both our duty and the right of the State to call upon "the unjust steward to give an account of his stewardship, for he can now be steward no longer." To permit a class to hold the land of a country as its absolute property involves the giving of an influence over the lives, happiness and industry of the people of that country inconsistent with the freedom and welfare of mankind, the maintaining of which should be the primary object of every people. The right of all men to participate in the benefits of the soil by the State ownership thereof can be claimed from the fact that land is a natural agent, and that the value of land arises from and is maintained by the aggregation of population and the exercise of industry by a people. The value thus imparted belongs to the people and not to an individual or a class. That a national land system would be the best for society and good government is self-evident. By insuring a more equal distribution of wealth, increasing the productiveness of the soil through the breaking up of large estates, and giving a stimulus to agricultural industry, poverty would be diminished and crime deprived of most of the incentives to its commission, while Government would have on its side the conservatism that would not fail to result from the removal of all grounds for agrarian crime and social discontent through a just and final settlement of a burning question. The feasibility of such a settlement will be best evidenced by grappling at once with the chief difficulty in the

way of any scheme of land reform that aims at the abolition of landlordism. I will endeavor to show how this difficulty can be successfully met. The question of compensation is practically the only one now left to discuss in connection with the fate of Irish landlordism. I start with the proposition that in accordance with strict justice the landlords of Ireland are not entitled to their fares from Kingstown to Holyhead for the loss of their criminally abused proprietary rights, but as conventional justice or the claims of prescriptive right cannot possibly be repudiated by the English Government or avoided by Ireland, if a peaceful settlement of the land war is to be arrived at, we must face the question of compensation. Well, according to even conventional or political justice those who by their enterprise and labor have given the present value to the land of Ireland are surely entitled to their share of its market price, in other words, the farmer's property in the soil which he alone has improved by his industry and capital, must be equal in value to that claimed by the landlord in virtue of either purchase or prescriptive right. Leaving this property to the farmer we will only have to deal with the landlord's share. To determine this it would be necessary to arrive at an estimate of the intrinsic worth in the land anterior to the increment of its value by the present generation. In the time of Dean Swift the annual rental of Ireland was but £2,000,000. To-day it is about £15,000,000. Will any one conversant with the history of Irish landlords since that date hesitate to say whether this increased value is due to the landlords or to the people of Ireland? Taking the farmer's and the landlord's interest to be equal the latter share of the market price of the land of Ireland now would be twenty years' purchase of half the present annual rental, or £140,000,000. This sum I would propose to raise by either a public loan or the issue of Government bonds bearing 3 per cent. interest, principal and interest to be chargeable to Ireland's contribution to the Imperial revenue. Thus the annual revenue of Ireland, say £7,000,000 interest on £140,000,000 at 3 per cent. per annum, £4,200,000, leaving an annual balance of £2,800,000 for sinking fund, with which to pay off the principal. This it would do in a period of about fifty years, the land tax of, say, 10 per cent. supplying the expenditure of civil administration, now met by such revenue. By this plan of set-

tlement Ireland itself would get rid of landlordism without touching the pockets of the English taxpayer. A compensation would be given to the landlords to which, in strict justice, they are not entitled. All incentives to social discontent would be removed, agrarian outrage would of necessity disappear from the absence of landlords' tyranny and conflicting agrarian interests, while the whole country would not fail to commence a new life of peace, contentment and prosperity. To this plan of settlement, even if granted to be feasible, there will be two objections made representing extremes of the Anglo-Irish difficulty. The English Government may say that the people of Ireland would refuse to pay a land tax for the support of alien rule, that similar difficulties would arise in the collection of such a tax as are now encountered in the exaction of rent. I will dispose of these objections before discussing the more serious one that will be offered from the other extreme. There could be no more difficulty in collecting such a tax than has to be met in collecting the ordinary direct revenue of the country at present. The fact that a land tax that would probably never exceed half the amount that is now paid in rent was to be expended for the good of the country and would constitute the farmer's title to security in his holding, would make such an annual tribute a willing contribution. His property in the soil would also be a reliable security against the repudiation of fiscal obligation. The other objection is a more serious one than that just answered, as it will stand upon the strong ground of Irish national sentiment and appeal to the fears that jealously guard the highest aspiration of our race. To propose that the English Government should become the owner, steward, or guardian of the soil of Ireland, will at first sight appear an anti-national settlement of the land question, and one which involves a principle of renunciation that cannot be sanctioned by Irishmen who belong to the extreme or Nationalist party. I am convinced, however, that a calm consideration of the question will dissipate the idea that the nationalization of the land of Ireland is any more of a recognition of England's right to rule us than is involved in the payment of taxes or in calling upon its Government to advance the necessary funds for the carrying out of a scheme of peasant proprietary. While I yield to no Irishman alive in my allegiance

to the principle of Ireland's right to govern itself I would infinitely prefer to deal direct with an English Government than with its exacting and unscrupulous mercenaries, the Irish landlords. Better to have the land of our country administered by even an Executive English authority, than see it made the instrument of social slavery and degradation of tyranny and exaction by the merciless and polluted hand of Irish landlordism. There is, of course, the probability that such a land code would appeal to the Conservative instincts of an agricultural people and cause them to look with favor upon, and to pay an allegiance to the power that would secure them the enjoyment of social peace and prosperity. This result may be reasonably expected from any settlement of the land question whatever that may be won from. The Government of England, as the great majority of mankind, are rationally actuated by that excusable selfishness which impels them as in the ordinary affairs of business life to seek the best bargain from society in the matter of human comfort and security. When contending powers are aiming for the approval and support of the people, who are to be benefited by the outcome of the contest? It is only natural to expect that whoever gives to or secures most for the people will gain most in their regard. Admitting, what no man can deny, that England must be a factor in any settlement of the land question that takes place, so long as England's authority is dominant in Ireland the selection of land systems must be determined by their relative merits as such, and their respective adaptability to the genius and requirements of our people. I contend, therefore, that the nationalization of the land under the existing political relationship of the two countries would be no more of an abandonment of national right or national honor than is involved in any transaction of the every-day political life of our country, while I claim for such a settlement more solid social advantages, both for the agricultural and non-agricultural classes alike than can be obtained under an improvement of the existing system or by the substitution of a peasant proprietary. But my proposal or plan of pacification does not rest here. The social difficulty is not the only factor in the Anglo-Irish question. An older difficulty and an equally disturbed element in the policy of the social life of our country is its present system of government. That Dub-

lin Castle rule is as monstrous a failure as Irish landlordism is a proposition which none will be found courageous enough to deny. It is simply a systematized rule of national exasperation, a mode of administration as little understood by the English people, and as unrepresentative of constitutional Government as if the ill-omened edifice that stands upon Corkhill were situated on the banks of the Yang Tse Kiang, instead of being a few hours sail of Liverpool. It is at last becoming as evident to enlightened English opinion that Ireland must be granted some form of self-government as that Irish landlordism is repudiated by our people, and has proved a complete and disastrous failure. It is no extravagant proposition, therefore, to couple the settlement of the national with that of the land question, and to insist that rational demands upon both must be considered by English public opinion. The present is the most opportune time that has presented itself for the solution of the Anglo-Irish difficulty since the passage of the Act of Union, and the only effectual remedy in my opinion is self-government for Ireland and the nationalization of the land under the administration of an Irish Parliament. That this will be considered an extreme programme by most of the English press I am prepared to admit, but I am confident that if Englishmen will approach the discussion of it with calm and unprejudiced minds it will be found to contain the basis upon which Ireland's peace and happiness may be built with safety and credit to the enlightened statesmanship that may have courage and foresight enough to offer timely justice to a people who are no longer a power to be despised or a nation willing to submit to continued insult and injustice. I would ask Englishmen to remember that there is not a single newspaper in England, or scarcely a public man, representing English public feeling that does not now admit that England's rule of Ireland has been unjust, illogical, and indefensible in the past. What has convinced them of this? Movements like that which the Government is now desirous of suppressing, men who are undergoing the same punishment, encountering the same calumny and abuse that were heaped upon Irish public men connected with former agitations. Time will again vindicate the cause I am advocating here to-night, and show that the Land League leaders who are now stigmatized in every possible language of abuse and

misrepresentation are advancing the true remedy for admitted wrongs and position, but the means by which that remedy can be applied, and which, if rejected, as other remedies have been rejected in the past, an English generation will yet live to mourn and deplore.

APPENDIX J.

THE COERCION ACT OF 1881.

An Act for the better Protection of Person and Property in Ireland.—2d March, 1881.

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. (1.) Any person who is declared by warrant of the Lord Lieutenant to be reasonably suspected of having at any time since the thirtieth day of September one thousand eight hundred and eighty been guilty as principal or accessory of high treason, treason-felony, or treasonable practices, wherever committed, or of any crime punishable by law committed at any time since the thirtieth day of September one thousand eight hundred and eighty in a prescribed district, being an act of violence or intimidation, or the inciting to an act of violence or intimidation, and tending to interfere with or disturb the maintenance of law and order, may be arrested in any part of Ireland and legally detained during the continuance of this Act in such prison in Ireland as may from time to time be directed by the Lord Lieutenant, without bail or mainprize; and shall not be discharged or tried by any court without the direction of the Lord Lieutenant; and every such warrant shall, for the purposes of this Act, be conclusive evidence of all matters therein contained, and of the jurisdiction to issue and execute such warrant, and of the legality of the arrest and detention of the person mentioned in such warrant.

(2.) Every warrant whereby any person is declared to be reasonably suspected of any crime other than high treason, treason felony, or treasonable practices, shall state the character of such

crime. A copy of the warrant of arrest shall be given to each person arrested under this Act on the occasion of his arrest.

(3.) Any person detained in pursuance of a warrant under this Act shall be treated as a person accused of crime and not as a convicted prisoner, subject to the special rules for the time being in force with respect to prisoners awaiting trial; Provided that the Lord Lieutenant may from time to time if he shall think fit, make regulations modifying such special rules so far as they relate to persons detained under this Act. Any regulations made by the Lord Lieutenant under this provision shall be laid before both Houses of Parliament within fourteen days after the making of the same, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament, and when Parliament is not sitting such regulations shall within fourteen days be published in the *Dublin Gazette*.

(4.) A list of all persons for the time being detained in prison under this Act, with a statement opposite each person's name of the prison in which he is detained for the time being, and of the ground stated for his arrest in the warrant under which he is detained, shall be laid before each House of Parliament within the first seven days of every month during which Parliament is sitting, and when Parliament is not sitting such list shall be published in the *Dublin Gazette* within the first seven days of every month.

(5.) On the expiration of a period of three months after the arrest of each person detained under this Act, and so from time to time on the expiration of each succeeding period of three months while such person is detained, the Lord Lieutenant shall consider the case of such person and decide thereon; and the decision of the Lord Lieutenant in that behalf shall be certified under his hand, or the hand of the Chief Secretary of the Lord Lieutenant, to each Clerk of the Crown, by whom a copy of the warrant under which such person shall be detained shall be filed in his public office, under this Act, and each such Clerk of the Crown shall record such decision by indorsement on the copy of the warrant so filed in his office.

(6.) No person discharged from detention under this Act shall be so discharged at a greater distance than five miles from the place whereat he was first arrested under this Act, unless he shall

himself prefer to be discharged at a place nearer to the prison wherein he was last detained.

(7.) "Prescribed district" means any part of Ireland in that behalf specified by an order of the Lord Lieutenant for the time being in force, and the Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time make, and when made, revoke and alter any such order.

2. The enactments contained in the third section of the Relief of Distress (Ireland) Act, 1880, as amended by the ninth section of the Relief of Distress (Ireland) Amendment Act, 1880, shall, so far as relates to the families of persons for the time being detained under this Act, continue in force during the continuance of this Act.

3. (1) Any warrant or order of the Lord Lieutenant under this Act may be signified under his hand or the hand of the Chief Secretary to the Lord Lieutenant, and a copy of every warrant under this Act shall, within seven days after the execution thereof, be transmitted to the clerk of the Crown for the county in which was the last known place of abode of the person arrested under such warrant, and be filed by the said clerk of the crown in his public office in said county; and a further copy of every such warrant shall, within seven days after the execution thereof, be transmitted to the clerk of the Crown for the county of the city of Dublin, and be filed by him in his public office in that city; and each such clerk of the Crown shall furnish a copy of such warrant free of charge, certified under his hand to be a true copy, on demand, to any relative of the person arrested under such warrant or his solicitor.

(2.) The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time make, and when made revoke and alter, an order prescribing the forms of warrants for the purposes of this Act, and any forms so prescribed shall when used be valid in law.

(3.) If any member of either House of Parliament be arrested under this Act the fact shall be immediately communicated to the House of which he is a member, if Parliament be sitting at the time, or if Parliament be not sitting, then immediately after Parliament reassembles, in like manner as if he were arrested on a criminal charge,

(4.) Every order under this Act shall be published in the *Dub-*

lin Gazette, and the production of the printed copy of the *Dublin Gazette* purporting to be printed and published by the Queen's authority, containing the publication of any order under this Act, shall be conclusive evidence of the contents of such order, and of the date thereof, and of the same having been duly made.

(5.) The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

3. This Act shall continue in force until the thirtieth day of September one thousand eight hundred and eighty-two and no longer.

APPENDIX K.

LAND LAW (IRELAND) ACT, 1881.

44 and 45 Vict. Ch. 49.

ARRANGEMENT OF SECTIONS.

PART I.

ORDINARY CONDITIONS OF TENANCIES.

Section.

1. Sale of tenancies.
2. Prohibition of subdividing and subletting.
3. Devolution of tenancies.
4. Increase of rent to attract statutory conditions or enhance price on sale.
5. Incidents of tenancy subject to statutory conditions.
- Amendment of Law as to Compensation for Disturbances.*
6. Repeal of 33 & 34 Vict. c. 46 s. (in part), and s. 13.
- Amendment of Law as to Compensation for Improvements.*
7. Amendment of 33 & 34 Vict. c. 46. as to compensation for improvements.

PART II.

INTERVENTION OF COURT.

8. Determination by court of rent of present tenancies.
9. Equities to be administered by court between landlord and tenant.

PART III.

EXCLUSION OF ACT BY AGREEMENT.

Judicial Leases.

10. Lease approved by court during its continuance to exclude provisions of the Act.

Fixed Tenancies.

11. Present ordinary tenancy converted into fixed tenancy.
12. Conditions of fixed tenancy.

PART IV.

PROVISIONS SUPPLEMENTAL TO PRECEDING PARTS.

Miscellaneous.

13. Regulations as to sales and application to court to fix rent.
14. Limited administration for purposes of sale
15. Provision for determination of estate of immediate landlord.
16. Provision as to certain small tenancies.
17. Provision as to certain claims of pasturage and turbary.
18. Letting for laborers' cottages not to be within the restrictions of Act.
19. Power of court, on application for the determination of judicial rent, to impose conditions as to laborers' cottages.
20. Rules as to determination of tenancy.
21. Provisions as to existing leases.

Extent of Power to Contract out of Act.

22. Contracts inconsistent with Act, how far void.

Limited Owner.

23. Powers of limited owner.

PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND,
AND EMIGRATION.*Acquisition of Land by Tenants.*

24. Advances to tenants by commission for purchase of holdings.
25. Power to limited owner to sell holding and leave one-fourth of price of holding on mortgage.
26. Purchase of estates by commission and resale in parcels to tenants.

- 27. Sale to public of parcels not purchased by tenants.
- 28. Terms of repayment of advances made by commission.
- 29. Provision as to purchases and sales by land commission.
- 30. Conditions annexed to holdings whilst subject to advances.

Reclamation of Land and Emigration.

- 31. Reclamation of land.
- 32. Emigration.

Supplemental Provisions.

- 33. Supply of money to land commission for purposes of Act.
- 34. Proceedings of commission.
- 35. Transfer of purchase powers of Board of Works to land commission.
- 36. Rules as to fixing percentages, purchase moneys, &c.

PART VI.

COURT AND LAND COMMISSION.

Description of Court and Proceedings.

- 37. Court to mean civil bill court.
- 38. Incorporation of certain provisions of 33 & 34 Vict. c. 46.
- 39. Exceptional provisions for certain officers.

Arbitration.

- 40. Reference to arbitration.

Appointment and Proceedings of Land Commission.

- 41. Constitution of land commission.
- 42. Incorporation of commission.
- 43. Appointment of assistant commissioners.
- 44. Quorum of commission.
- 45. Appointment of officers.
- 46. Salaries of commission.
- 47. Appeal to land commission.
- 48. Powers of commission.
- 49. Power for land commission and sub-commissioners to employ officers and servants of civil bill court.
- 50. Rules for carrying Act into effect.
- 51. Service of civil bill processes and limitation of costs.
- 52. Appearance of parties before commission and sub-commission.

53. Existence of land commission not to create vested interests.
54. Disqualification for seat in Parliament.
55. Annual report by land commission.
56. Audit of account of land commission.

PART VII.

DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

57. Definitions.
58. Tenancies to which the Act does not apply.
59. Arrears of rent, how dealt with.
60. Savings in case of inability to make immediate application to court.
61. Application of Act.
62. Short title Act.

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

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

PART I.

ORDINARY CONDITIONS OF TENANCIES.

1. The tenant for the time being of every holding, not hereinafter especially excepted from the provisions of this Act, may sell his tenancy for the best price that can be got for the same, subject to the following regulations and subject also to the provisions in this Act contained with respect to the sale of a tenancy subject to statutory conditions :

- (1.) Except with the consent of the landlord, the sale shall be made to one person only :
- (2.) The tenant shall give the prescribed notice to the landlord of his intention to sell his tenancy :
- (3.) On receiving such notice the landlord may purchase the tenancy for such sum as may be agreed upon, or in the event of disagreement may be ascertained by the court to be the true value thereof :

- (4.) Where the tenant shall agree to sell his tenancy to some other person than the landlord, he shall, upon informing the landlord of the name of the purchaser, state in writing therewith the consideration agreed to be given for the tenancy :
- (5.) If the tenant fails to give the landlord the notice or information required by the foregoing sub-sections, the court may, if it think fit and that the just interests of the landlord so require, declare the sale to be void :
- (6.) Where the tenancy is sold to some other person than the landlord, the landlord may within the prescribed period refuse on reasonable grounds to accept the purchaser as tenant : In case of dispute the reasonableness of the landlord's refusal shall be decided by the court : Provided that the landlord's objection shall be conclusive in the case of any tenancy in a holding where the permanent improvements in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to compensation under the provisions of the Landlord and Tenant (Ireland) Act, 1870, as amended by this Act, have been made by the landlord or his predecessors in title, and have been substantially maintained by the landlord and his predecessors in title, and not by the tenant or his predecessors in title :
- (7.) Where the tenancy is subject to any such conditions as are in this Act declared to be statutory conditions, and the sale is made in consequence of proceedings by the landlord for the purpose of recovering possession of the holding by reason of the breach of any of such conditions, the court shall grant to the landlord out of the purchase moneys payment of any debt, including arrears of rent, due to him by the tenant and compensation by way of damages for and injury he may have sustained from the tenant by breach of any of such conditions, except the condition relating to the payment of rent :
- (8.) Where permanent improvements on a holding have been made by the landlord or his predecessors in title solely or by him or them jointly with the tenant or his predecessors in title, or have been paid for by the landlord or his predecessors in title, and the landlord, on application of the tenant, consents that his property in such improvements shall

be sold along with the tenancy, and the same is so sold accordingly, the purchase money shall be apportioned by the court as between the landlord's property in such improvements and the tenancy, and the part of the purchase money so found to represent the landlord's property in such improvements (but subject to any set-off claimed by the tenant) shall be paid to the landlord; and such improvements so sold shall be deemed to have been made by the purchaser of the tenancy:

(9.) Where a tenant sells his tenancy to any person other than the landlord, the landlord may at any time within the prescribed period give notice both to the outgoing tenant and to the purchaser of any sums which he may claim from the outgoing tenant for arrears of rent or other breaches of the contract or conditions of tenancy. And

(a.) If the outgoing tenant does not within the prescribed period give notice to the purchaser that he disputes such claims or any of them, the purchaser shall out of the purchase moneys pay the full amount thereof to the landlord; and

(b.) If the outgoing tenant disputes such claims or any of them, the purchaser shall out of the purchase moneys pay to the landlord so much (if any) of such claims as the outgoing tenant admits, and pay the residue of the amount claimed by the landlord into court in the prescribed manner.

Until the purchaser has satisfied the requirements of this sub-section, it shall not be obligatory on the landlord to accept the purchaser as his tenant.

(10.) Where any purchase money has been paid into court it shall be lawful for the landlord and also for the outgoing tenant and for the purchaser respectively to make applications to the court in respect of such purchase money; and the court shall hear and determine such applications, and make such order or orders thereupon as to the court may seem just:

(11.) A tenant who has sold his tenancy on any occasion of quitting his holding shall not be entitled on the same occasion to receive compensation for either disturbance or improvements; and a tenant who has received compensation for

either disturbance or improvements on any occasion of quitting his holding shall not be entitled on the same occasion to sell his tenancy.

(12.) The tenant of a holding subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom may sell his tenancy either in pursuance of that custom or usage, or in pursuance of this section, but he shall not be entitled to sell partly under the custom or usage and partly under the provisions of this section :

(13.) If the tenant of a tenancy subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom sells his tenancy in pursuance of this section, the tenancy, unless purchased by the landlord, shall continue to be subject to such custom or usage :

(14.) When a sale of a tenancy is made under a judgment or other process of law against the tenant, or for the payment of the debts of the deceased tenant, the sale shall be made in the prescribed manner, subject to the conditions of this section, so far as the same are applicable :

(15.) Any sum payable to the landlord out of the purchase moneys of the tenancy under this section shall be a first charge upon the purchase moneys :

(16.) A landlord, on receiving notice of an intended sale of the tenancy may if he is not desirous of purchasing the tenancy otherwise than as a means of securing the payment of any sums due to him for arrears of rent or other breaches of the contract or conditions of tenancy, give notice within the prescribed time of the sum claimed by him in respect of such arrears and breaches, such sum failing agreement between the landlord and tenant to be determined by the court, and should the tenant determine to proceed with the sale, may claim to purchase the tenancy for such sum if no purchaser is found to give the same or a greater sum ; and the landlord, if no purchaser be found within the prescribed time to give the same or a greater sum, shall be adjudged the purchaser of the tenancy at that sum.

2. The tenant from year to year of a tenancy to which this Act applies shall not, without the consent of the landlord in writing, subdivide his holding or sublet the same or any part thereof. Agistment or the letting of land for the purpose of temporary

depasturage, or the letting in conacre of land, for the purpose of its being solely used and which shall be solely used for the growing of potatoes or other green crops, the land being properly manured, shall not be deemed a sub-letting for the purposes of this Act.

3. Where the tenant of a tenancy to which this Act applies has bequeathed his tenancy to one person only, and the personal representatives of the tenant have assented to the bequest, such person shall have the same claim to be accepted as tenant by the landlord as if the tenancy had been sold to him by the testator.

Where the tenant of any such tenancy has bequeathed his tenancy to more than one person or dies intestate, then, if his personal representatives serve notice on the landlord, nominating some one of the legatees or persons entitled under the Statutes of Distribution to his personal estate, to succeed to the tenancy, such person shall have the same claim to be accepted by the landlord as if the tenancy had been sold to him by the testator or intestate, and in default of such notice the personal representative shall, if the landlord requires a sale to be made, within twelve months after the death of the tenant sell the tenancy, and in case of their default the landlord may sell the same under the direction of the court.

Where the tenant of a tenancy dies intestate and without leaving any person entitled to his personal estate, or any part thereof, such tenancy shall pass to the landlord, subject, however, to the debts and liabilities of the deceased tenant.

IV. Where the landlord demands an increase of rent from the tenant of a present tenancy (except where he is authorized by the court to increase the same as hereafter in this Act mentioned) or demands an increase of rent from the tenant of a future tenancy beyond the amount fixed at the beginning of such tenancy, then,

- (1.) Where the tenant accepts such increase, until the expiration of a term of fifteen years from the time when such increase was made (in this Act referred to as a statutory term) such tenancy shall (if it so long continues to subsist) be deemed to be a tenancy subject to statutory conditions, with such incidents during the continuance of the said term as are in this Act in that behalf mentioned :
- (2.) Where the tenant of any future tenancy does not accept such increase and sells his tenancy, the same shall be sold

subject to the increased rent, and in addition to the price paid for the tenancy he shall be entitled to receive from his landlord the amount (if any) by which the court may, on the application of the landlord or tenant, decide the selling value of his tenancy to have been depreciated below the amount which would have been such selling value if the rent had been a fair rent, together with such further sum (if any) as the court may award in respect of his costs and expenses in effecting such sale :

- (3.) Where the tenant does not accept such increase and is compelled to quit the tenancy by or in pursuance of a notice to quit, but does not sell the tenancy, he shall be entitled to claim compensation as in the case of disturbance by the landlord :
- (4.) The tenant of a present tenancy may in place of accepting or declining such increase apply to the court in manner hereafter in this Act mentioned to have the rent fixed.

V. A tenant shall not, during the continuance of a statutory term in his tenancy, be compelled to pay a higher rent than the rent payable at the commencement of such term, and shall not be compelled to quit the holding of which he is tenant except in consequence of the breach of some one or more of the conditions following (in this Act referred to as statutory conditions) ; that is to say,

- (1.) The tenant shall pay his rent at the appointed time :
- (2.) The tenant shall not, to the prejudice of the interest of the landlord in the holding, commit persistent waste by the dilapidation of buildings or, after notice has been given by the landlord to the tenant not to commit or to desist from the particular waste specified in such notice, by the deterioration of the soil :
- (3.) The tenant shall not, without the consent of his landlord in writing, subdivide his holding or sublet the same or any part thereof, or erect or suffer to be erected thereon, save as in this Act provided, any dwelling-house otherwise than in substitution for those already upon the holding at the time of the passing of this Act :

Agistment or the letting of land for the purpose of temporary depasturage, or the letting in conacre of land for the purpose of its being solely used and which shall be solely used for the grow-

ing of potatoes or other green crops, the land being properly manured, shall not be deemed a sub-letting for the purposes of this Act.

(4.) The tenant shall not do any act whereby his tenancy becomes vested in an assignee in bankruptcy :

(5.) The landlord, or any person or persons authorized by him in that behalf (he or they making reasonable amends and satisfaction for any damage to be done or occasioned thereby), shall have the right to enter upon the holding for any of the purposes following (that is to say) :

Mining or taking minerals, or digging or searching for minerals ;

Quarrying or taking stone, marble, gravel, sand, brick clay, fire clay, or slate ;

Cutting or taking timber or turf, save timber and other trees planted by the tenant or his predecessors in title, or that may be necessary for ornament or shelter, and save also such turf as may be required for the use of the holding ;

Opening or making roads, fences, drains, and water-courses ;

Passing and re-passing to and from the sea shore with or without horses and carriages for exercising any right of property or royal franchise belonging to the landlord ;

Viewing or examining at reasonable times the state of the holding and all buildings or improvements thereon ;

Hunting, shooting, fishing, or taking game or fish, and if the landlord at the commencement of the statutory term so requires, then as between the landlord and tenant the right of shooting and taking game, and of fishing and taking fish shall belong exclusively to the landlord, subject to the provisions of the Ground Game Act, 1880, and the provisions of the Act twenty-seven and twenty-eighth Victoria, chapter sixty-seven, shall extend where such right of shooting and taking game belongs exclusively to the landlord as though such exclusive right were reserved by the landlord to himself by deed. The word "game" for the purposes of this subsection means hares, rabbits, pheasants, partridges,

quails, landrails, grouse, woodcock, snipe, wild duck, widgeon and teal;

And the tenant shall not persistently obstruct the landlord, or any person or persons authorized by him in that behalf as aforesaid, in the exercise of any right conferred by this subsection.

During the continuance of a statutory term, all mines and minerals, coals and coal pits, subject to such rights in respect thereof as the tenant, under the contract of tenancy subsisting immediately before the commencement of the statutory term, was lawfully entitled to exercise, shall be deemed to be exclusively reserved to the landlord;

(6.) The tenant shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors.

Nothing contained in this section shall prejudice or affect any ejectionment for nonpayment of rent instituted by a landlord whether before or after the commencement of a statutory term, in respect of rent accrued due for a holding before the commencement of such term.

During the continuance of a statutory term in tenancy, save as hereinafter provided, the court may, on application of the landlord, and upon being satisfied that he is desirous of resuming the holding or part thereof for some reasonable and sufficient purpose having relation to the good of the holding or of the estate, including the use of the ground as building ground, or for the benefit of the laborers in respect to cottages, gardens, or allotments, or for the purpose of making grants or leases of sites for churches or other places of religious worship, schools, dispensaries, or clergymen's or schoolmasters' residences, authorize the resumption thereof by the landlord upon such conditions as the court may think fit, and require the tenant to sell his tenancy in the whole or such part to the landlord upon such terms as may be approved by the court, including full compensation to the tenant.

Provided that the rent of any holding subject to statutory conditions may be increased in respect of capital laid out by the landlord under agreements with the tenant to such an amount as may be agreed upon between the landlord and the tenant.

Amendment of Law as to Compensation for Disturbance.

VI. There shall be repealed so much of section three of the Landlord and Tenant (Ireland) Act, 1870, as provides for the scale of compensation, and so much of the same section as declares that in no case shall the compensation exceed the sum of two hundred and fifty pounds, and so much of the same section as declares that a tenant in a higher class of the scale may at his option claim compensation under a lower class, and so much of the same section as prohibits tenants of holdings valued at such sums as are in the said section mentioned, and making such claims for compensation for disturbance as are in the said section mentioned, from being entitled to make separate or additional claims for improvements other than permanent building and reclamation of waste land, and the said section three shall hereafter be read as if from such section were omitted the words "for the loss which the court shall find to be sustained by him "by reason of quitting his holding," so that the said section shall be entitled to such compensation as the court, in view of all the circumstances of the case, shall think just, subject to the scale of compensation hereinafter mentioned.

The compensation payable under the said section three in the case of a tenant disturbed in his holding by the act of a landlord after the passing of this Act shall be as follows in the case of holdings—

Where the rent is thirty pounds or under, a sum not exceeding seven years' rent :

Where the rent is above thirty pounds and not exceeding fifty pounds, a sum not exceeding five years' rent :

Where the rent is above fifty pounds and not exceeding one hundred pounds, a sum not exceeding four years' rent :

Where the rent is above one hundred pounds and not exceeding three hundred pounds, a sum not exceeding three years' rent :

Where the rent is above three hundred pounds and not exceeding five hundred pounds, a sum not exceeding two years' rent :

Where the rent is above five hundred pounds, a sum not exceeding one year's rent.

Any tenant in a higher class of the scale may, at his option, claim compensation under a lower class, provided such compen-

sation shall not exceed the sum to which he would be entitled under such lower class on the assumption that the rent of his holding was reduced to the sum (or where two sums are mentioned, the higher sum) stated in such lower class.

From and after the passage of this Act the thirteenth section of the Landlord and Tenant (Ireland) Act, 1870, shall be and the same is hereby repealed.

Amendment of Law as to Compensation for Improvements.

VII. A tenant on quitting the holding of which he is tenant shall not be deprived of his right to receive compensation for improvements under the Landlord and Tenant (Ireland) Act, 1870, by reason only of the determination by surrender or otherwise of the tenancy subsisting at the time when such improvements were made by such tenant or his predecessors in title, and the acceptance by him or them of a new tenancy.

Where in tracing a title for the purpose of obtaining compensation for improvements, it appears that an outgoing tenant has surrendered his tenancy in order that some other person may be accepted by the landlord as tenant in his place, and such other person is so accepted as tenant, the outgoing tenant shall not be precluded from being deemed the predecessor in title of the incoming tenant by reason only of such surrender of tenancy by him.

The court in adjudicating on a claim for compensation for improvements made before any such change of tenancy or of tenants, shall take into consideration all the circumstances under which such change took place, and shall admit, reduce or disallow altogether such claim as to the court may seem just.

A flax scutching mill otherwise suitable to the holding on which it is erected shall not be deemed to be unsuitable to the holding on which it is erected by reason only that it is available for purposes beyond those of the holding on which it is situate.

PART II.

INTERVENTION OF COURT.

VIII. (1.) The tenant of any present tenancy to which this Act applies, or such tenant and the landlord jointly, or the landlord, after having demanded from such tenant an increase of rent which the tenant has declined to accept, or after the parties have

otherwise failed to come to an agreement, may from time to time during the continuance of such tenancy apply to the court to fix the fair rent to be paid by such tenant to the landlord for the holding, and thereupon the court, after hearing the parties, and having regard to the interest of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district, may determine what is such fair rent.

(2.) The rent fixed by the court (in this Act referred to as the judicial rent) shall be deemed to be rent payable by the tenant as from the period commencing at the rent day next succeeding the decision of the court.

(3.) Where the judicial rent of any present tenancy has been fixed by the court, then, until the expiration of a term of fifteen years from the rent day next succeeding the day on which the determination of the court has been given (in this Act referred to as a statutory term), such present tenancy shall (if it so long continue to subsist) be deemed to be a tenancy subject to statutory conditions, and having the same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by a landlord, with this modification, that, during the statutory term in a present tenancy consequent on the first determination of a judicial rent of that tenancy by the court, application by the landlord to authorize the resumption of the holding or part thereof by him for some purpose having relation to the good of the holding or of the estate, shall not be entertained by the court, unless—

(a.) Such present tenancy has arisen at the expiration of a judicial lease, or of a lease existing at the time of the passing of this Act, and originally made for a term of not less than thirty-one years; or

(b.) It is proved to the satisfaction of the court that before the passing of this Act the reversion expectant on the determination of a lease of the holding was purchased by the landlord or his predecessors in title with the view of letting or otherwise disposing of the land for building purposes on the determination of such lease, and that it is bona fide required by him for such purpose.

(4.) Where an application is made to the court under this section in respect of tenancy, the court may, if it think fit, disallow such application where the court is satisfied that on the holding in which such tenancy subsists the permanent improvements

in respect of which, if made, by the tenant or his predecessors in title, the tenant would have been entitled to compensation under the provisions of the Landlord and Tenant (Ireland) Act, 1870, as amended by this Act, have been made by the landlord or his predecessors in title, and have been substantially maintained by the landlord and his predecessors in title, and not made or acquired by the tenant or his predecessors in title.

(5.) On the occasion of any application being made to the court under this section to fix a judicial rent in respect of any holding which is not subject to the Ulster tenant-right custom, or any usage corresponding to the Ulster tenant-right custom, the landlord and tenant may agree to fix, or in the case of dispute the court may fix, on the application of either landlord or tenant, a specified value for the tenancy; and, where such value has been fixed, then if at any time during the continuance of the statutory term the tenant gives notice to the landlord of his intention to sell the tenancy, the landlord may purchase the tenancy on payment to the tenant of the amount of value so fixed, together with the value of any improvements made by the tenant since the time at which such value was fixed, but subject to deduction in respect of any damage caused by dilapidation of buildings or deterioration of soil since the time at which the value was so fixed.

(6.) Subject to rules made under this Act the landlord and tenant of any present tenancy to which this Act applies, may, at any time if such tenancy is not subject to a statutory term, or if the tenancy is subject to a statutory term, then may, during the last twelve months of such term, by writing under their hands, agree and declare what is then the fair rent of the holding; and such agreement and declaration on being filed in court in the prescribed manner, shall have the same effect and consequences in all respects as if the rent so agreed on were a judicial rent fixed by the court under the provisions of this Act.

(7.) A further statutory term shall not commence till the expiration of a preceding statutory term, and an alteration of judicial rent shall not take place at less intervals than fifteen years.

(8.) During the currency of a statutory term an application to the court to determine a judicial rent shall not be made except during the last twelve months of the current statutory term.

(9.) No rent shall be allowed or made payable in any proceedings under this Act in respect of improvements made by the

tenant or his predecessors in title, and for which, in the opinion of the court, the tenant or his predecessors in title shall not have been paid or otherwise compensated by the landlord or his predecessors in title.

(10.) The amount of money or money's worth that may have been paid or given for the tenancy of any holding by a tenant or his predecessors in title, otherwise than to the landlord or his predecessors in title, shall not of itself, apart from other considerations, be deemed to be a ground for reducing or increasing the rent of such holding.

IX. Where the court, on the hearing of an application of either landlord or tenant respecting any matter under this Act, is of opinion that the conduct of either landlord or tenant has been unreasonable, or that one has unreasonably refused any proposal made by the other, the court may do as follows :

It may refuse to accede to the application, or may accede to the same, subject to conditions to be performed by either landlord or tenant, or may impose on either party to the application the payment of the costs or the greater part of the costs of any proceedings, and generally make such order in the matter as the court thinks most consistent with justice.

PART III.

EXCLUSION OF ACT BY AGREEMENT.

Judicial Leases.

X. The landlord and tenant of any ordinary tenancy and the landlord and proposed tenant of any holding to which this Act applies which is not subject to a subsisting tenancy, may agree, the one to grant and the other to accept a lease for a term of thirty-one years or upwards (in this Act referred to as a judicial lease), on such conditions and containing such provisions as the parties to such lease may mutually agree upon, and such lease, if sanctioned by the court, after considering the interest of the tenant, and where such lease is made by a limited owner, the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner, shall be deemed to be substituted for the former tenancy, if any, in the holding; and the tenancy shall during the continuance of such lease be regulated by the provisions of that lease alone, and shall not be deemed to be a tenancy to which this Act applies.

At the expiration of a judicial lease made to the tenant of a present tenancy and for a term not exceeding sixty years the lessee shall be deemed to be the tenant of a present ordinary tenancy from year to year, at the rent and subject to the conditions of the lease, as far as such conditions are applicable to such tenancy.

Fixed Tenancies.

XI. The landlord and tenant of any tenancy may agree that such tenancy shall become a fixed tenancy within the meaning of this Act, and such fixed tenancy upon being established shall be substituted for the tenancy previously existing in the holding, and shall not be deemed to be a tenancy to which this Act applies.

XII. A fixed tenancy shall be a tenancy held upon such conditions as may be agreed upon between the landlord and tenant establishing such tenancy, and in the case of a landlord who is a limited owner the court shall approve after considering the interest of all persons entitled to any estate or interest in the holding subsequent to the estate or interest of such limited owner, subject to the following restrictions; that is to say,

- (1.) The tenant shall pay a fee-farm rent which may or may not be subject to re-valuation by the court at such intervals of not less than fifteen years as may be agreed upon between the landlord and tenant, the rent on any such re-valuation being such as the court, after hearing the parties, and having regard to the interests of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district, shall determine to be fair; and
- (2.) The tenant shall not be compelled to quit his holding except on breach of some one or more of the conditions in this Act declared to be statutory conditions.

PART IV.

PROVISIONS SUPPLEMENTAL TO PRECEDING PARTS.

Miscellaneous.

XIII. (1.) Where proceedings are or have been taken by the landlord to compel a tenant to quit his holding, the tenant may sell his tenancy at any time before but not after the expiration of six months from the execution of a writ or decree for possession

in an ejectment for nonpayment of rent and at any time before but not after the execution of such writ or decree in any ejectment other than for nonpayment of rent ; and any such tenancy so sold shall be and be deemed to be a subsisting tenancy notwithstanding such proceedings, without prejudice to the landlord's rights, in the event of the said tenancy not being redeemed within said period of six months ; and, if any judgment or decree in ejectment has been obtained before the passing of this Act, such tenant may within the same periods respectively apply to the court to fix the judicial rent of the holding, but subject to the provisions herein contained such application shall not invalidate or prejudice any such judgment or decree, which shall remain in full force and effect.

(2.) Where the sale of any tenancy is delayed by reason of any application being made to the court or for any other reasonable cause, the court may, on the application of the tenant, and on such terms and conditions as the court may direct, enlarge the time during which the tenant may exercise his power of sale, or in case of ejectment for nonpayment of rent redeem the tenancy.

(3.) Where any proceedings for compelling the tenant of a present tenancy to quit his holding shall have been taken before or after an application to fix a judicial rent and shall be pending before such application is disposed of, the court before which such proceedings are pending shall have power, on such terms and conditions as the court may direct, to postpone or suspend such proceedings until the termination of the proceedings on the application for such judicial rent ; and the pendency of any such proceedings for compelling the tenant to quit his holding shall not interfere with the power of the court to fix such rent, or with any right of the tenant resulting from the rent being so fixed ; and in such case any order made by the court for fixing the rent shall operate in the same manner as if such order had been made on the day of the date of application.

Provided, that proceedings shall not be taken by a landlord to compel a tenant to quit his holding for breach of any statutory condition, save as follows :

(a.) Where the condition broken is a condition relating to payment of rent, then by ejectment subject to the provisions of

the statutes relating to ejectment for nonpayment of rent ;
and

(b.) Where the condition broken is any other statutory condition, then by ejectment founded on notice to quit.

(4.) Where a notice to quit is served by a landlord upon a tenant for the purpose of compelling the tenant to quit his holding during the continuance of a statutory term in his tenancy in consequence of the breach by the tenant of any statutory condition other than the condition relating to payment of rent, the tenant may, at any time before the commencement of an ejectment founded on such notice to quit, apply to the land commission, and after the commencement, or at the hearing of any such ejectment, may apply to the court in which the ejectment is brought, for an order restraining the landlord from taking further proceedings to enforce such notice to quit.

If the land commission or court to which such application is made are of opinion that adequate satisfaction for the breach of such condition can be made by the payment of damages to the landlord, and that the tenant may justly be relieved from the liability to be compelled to quit his holding in consequence of such breach, the commission or court may make an order restraining further proceedings on the notice to quit, upon the payment by the tenant of such sum for damages as they shall then, or after due inquiry, award to the landlord in satisfaction for the breach of the statutory condition, together with the costs incurred by the landlord in respect to the notice to quit and the proceedings subsequent thereto.

If the land commission or court are of opinion that no appreciable damage has accrued to the landlord from the breach of such condition, and that the tenant may justly be relieved as aforesaid, they may make an order restraining further proceedings on the notice to quit, upon such terms as to costs as they may think just.

(5.) The service of a notice to quit, to enforce which no proceedings are taken by the landlord, or the proceedings to enforce which are restrained by the court, shall not operate to determine the tenancy.

(6.) A tenant compelled to quit his holding during the continuance of a statutory term in his tenancy, in consequence of

the breach by the tenant of any statutory condition, shall not be entitled to compensation for disturbance.

XIV. The court on being satisfied that the tenant of any holding within the jurisdiction of the court has died, and that the tenancy of such tenant ought to be sold under this Act, and that there is no legal personal representative of such tenant, or no legal personal representative whose services are available for the purpose of selling the tenancy, may, on such terms and conditions, if any, as they may think fit, appoint any proper person to be administrator of the deceased tenant, limited to the purposes of such sale, and such limited administrator shall, for the purpose of selling the tenancy, represent the deceased tenant in the same manner as if the tenant had died intestate, and administration had been duly granted to such limited administrator of all the personal estate and effects of the deceased tenant.

Such limited administrator shall pay to the landlord, out of the purchase money, any sums due to the landlord by the deceased tenant in respect of his tenancy, and may pay the residue of the purchase money to a general administrator (if any) or into court.

XV. If in the case of any holding of the immediate landlord for the time being is determined during the continuance or any tenancy from year to year, whether subject or not subject to statutory conditions, the next superior landlord for the time being shall, for the purposes of this Act, during the continuance of such tenancy stand in the relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord.

XVI. A tenancy for a year certain created after the passing of this Act shall, for the purposes of this Act, and of the Landlord and Tenant (Ireland) Act, 1870, be deemed to be a tenancy from year to year.

A tenant holding under a tenancy less than a yearly tenancy created after the passing of this Act shall have the same rights under this Act as a yearly tenant, except where land is let merely for temporary convenience or to meet a temporary necessity.

XVII. Where the tenant of a holding by virtue of his tenancy exercises, in common with other persons, over uninclosed land, a right of pasturing or turning out cattle or other animals, or exercises a right of cutting and taking turf in common with other persons (which other persons, together with the tenant, are in

this section referred to as commoners), then if such holding becomes subject to a statutory term the court may, during the continuance of such term, on the application of the landlord, or of any commoner, by order restrain the tenant from exercising his right of pasture or cutting or taking turf in any manner other than that in which it may be proved to the court that he is, under the circumstances and according to the ordinary usage which has prevailed with the express or implied consent of the landlord amongst the commoners, reasonably entitled to exercise the same.

XVIII. Any person prohibited under this Act from letting or sub-letting a holding, may, after service of the prescribed notice upon the landlord, with the sanction of the court, and with power for the court to prescribe such terms as to rent and otherwise as the court thinks just, let any portion of land in a situation to be approved by the landlord, or failing such approval to be determined by the court, with or without dwelling-houses thereon to or for the use of laborers bona fide employed and required for the cultivation of the holding, and such letting shall not be deemed to be a sub-letting within the meaning of this Act, or to be a letting prohibited by this Act; and notwithstanding such sub-letting the tenant shall for the purposes of this Act be deemed to be still in occupation of the holding.

Provided, that the land comprised in each letting shall not exceed half an acre in extent, and that where the holding contains not more than twenty-five acres of tillage land, the number of such lettings shall not exceed one, and that where the holding contains more than twenty-five acres of tillage land, but not more than fifty acres of such land, the number of such lettings shall not exceed two; and so in proportion to the acreage of tillage land in the holding after fifty acres.

XIX. Where an application is made to the court for the determination of a judicial rent in respect of any holding, the court, if satisfied that there is a necessity for improving any existing cottages or building any new cottages, or assigning to any such cottage an allotment not exceeding half an acre, for the accommodation of the laborers employed on such holding, may, if it thinks fit, in making the order determining such rent, add thereto the terms as to rent and otherwise on which such accommodation for laborers is to be provided by the the person making the application.

Where upon any such application the court requires the tenant of the holding to improve any existing cottage, or to build any new cottage, such tenant shall be deemed to be a person to whom a loan may be made under the Landed Property Improvement (Ireland) Acts for the improvement or building of dwellings for laborers, as if such person were an owner within the meaning of the seventh section of the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two; but any such loan may be made for a less sum than the sum of one hundred pounds.

XX. A tenancy to which this Act applies shall be deemed to have determined whether the landlord has resumed possession of the holding either on the occasion of a purchase by him of the tenancy, or of the default of the tenant in selling, or by operation of law, or reverter, or otherwise. Provided that:

- (1.) The surrender to the landlord of a tenancy for the purpose of the acceptance or admission of a tenant or otherwise by way of transfer to a tenant shall not be deemed to be a determination of the tenancy;
- (2.) Where the landlord has resumed possession of a tenancy from a present tenant, he may, if he thinks fit so to do, reinstate such tenant in his holding as a present tenant; and thereupon such tenancy shall again become subject to all the provisions of this Act which are applicable to present tenancies;

Provided always, that the landlord and tenant may at the time of such reinstatement agree on the rent to be paid by such tenant, and in such case such agreement shall have the same effect as if the rent so agreed on were a judicial rent fixed by the court under the provisions of this Act;

- (3.) Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject from and after the time when it has been so re-let, to all the provisions of this Act which are applicable to present tenancies;
- (4.) A tenant, holding under the Ulster tenant-right custom, or

a usage corresponding to the Ulster tenant-right custom, shall be entitled to the benefit of such custom, notwithstanding any determination of his tenancy by breach of a statutory condition, or of an act or default of the same character as the breach of a statutory condition.

Whenever a present tenancy is sold in consequence of a breach by the tenant, after the passing of this Act, of a statutory condition, or, in the case of a tenancy not subject to statutory condition of an act or default on the part of a tenant, after the passing of this Act, which would, in a tenancy subject to such conditions, have constituted a breach thereof, the purchaser or his successors in title to such tenancy shall not at any time thereafter be entitled to apply to the court under this Act to fix a judicial rent for the holding; but this provision shall not prejudice or affect the right of such purchaser or his successors to hold at such judicial rent during the residue of such statutory term, if any, as the holding may then be subject to, under the provisions of this Act.

XXI. Any leases or other contracts of tenancy existing at the date of the passing of this Act, except yearly tenancies and tenancies less than yearly tenancies, which said existing leases and contracts of tenancies (except as aforesaid) are in this section referred to as existing leases, shall remain in force to the same extent as if this Act had not passed, and holdings subject to such existing leases shall be regulated by the lawful provisions contained in the said leases, and not by the provisions relating to tenancies in that behalf contained in this Act: Provided that at the expiration of such existing leases, or of such of them as shall expire within sixty years after the passing of this Act, the lessees, if *bonâ fide* in occupation of their holding, shall be deemed to be tenants of present ordinary tenancies from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year; but this provision shall not apply where a reversionary lease of the holding has been *bonâ fide* made before the passing of this Act; and provided also that where it shall appear to the satisfaction of the court that the landlord desires to resume the holding for the *bonâ fide* purpose of occupying the same as a residence for himself, or as a home farm in connection with his residence, or for the purpose of providing

a residence for some member of his family, the court may authorize him to resume the same accordingly, in the manner and on the terms provided by the fifth section of the Act with respect to the resumption of a holding by a landlord: Provided always, that if the holding so resumed shall be at any time within fifteen years after such resumption re-let to a tenant, the same shall be subject from and after the time of its being so re-let, to all the provisions of this Act which are applicable to present tenancies.

On the termination of any such existing lease in any holding which if it had been held from year to year would have been subject to the Ulster tenant-right custom, or any usage corresponding therewith, the person who would have been entitled to make a claim under the first or second section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the same holding shall be entitled to do so notwithstanding that the holding was held under any such lease, but this proviso shall not apply to leases in which there is contained a provision expressly excluding the Ulster tenant-right custom or a usage corresponding therewith.

In any case in which the court shall be satisfied that since the passing of the Landlord and Tenant (Ireland) Act, 1870, the acceptance by a tenant from year to year of a lease of his holding containing terms which, in the opinion of the court, were at the time of such acceptance unreasonable or unfair to the tenant, having regard to the provisions of the said Act, was procured by the landlord by threat of eviction or undue influence, the court may, upon the application of the tenant made within six months after the passing of this Act, declare such lease to be void as and from the date of the application or order, and upon such terms as to costs or otherwise as to the court shall seem just; and thereupon the tenant shall at and from such date be deemed to be the tenant of a present ordinary tenancy from year to year at the rent mentioned in such lease. Any person aggrieved by the decision of the court in any proceedings under this section may, by leave of the court, which leave shall be granted unless the court shall consider the appeal frivolous or vexatious, appeal to Her Majesty's Court of Appeal in Ireland, and the decision of the said Court of Appeal shall be final and conclusive.

Extent of Power to contract out of Act.

XXII. A tenant whose holding or the aggregate of whose

holdings is valued under the Act relating to the valuation of rateable property in Ireland at an annual value of not less than one hundred and fifty pounds, shall be entitled by writing under his hand to contract himself out of any of the provisions of this Act or of the Landlord and Tenant (Ireland) Act, 1870.

Where the tenancy in a holding subject to the Ulster tenant-right custom or to any corresponding usage, has been purchased by the landlord from the tenant by voluntary purchase before the passing of this Act, then, if at the date of the passing of this Act the owner of any such holding is in actual occupation thereof, it shall be lawful, in the case of the first tenancy created in the holding after the passing of this Act, for the parties to the contract creating the same, by writing under their hands, to provide that such tenancy shall be exempt from the provisions of section one of this Act.

Save as in this section mentioned any provision contained in any lease or contract of tenancy or other contract made after the passing of this Act, which provision is inconsistent with any of the foregoing provisions of this Act or with any of the provisions of the Landlord and Tenant (Ireland) Act, 1870, shall be void.

Limited Owner.

XXIII. A landlord being a limited owner, as defined by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may exercise under the foregoing provisions of this Act any powers which he might exercise if he were an absolute owner, with this exception, that except in the case of a body corporate, commissioners, or other like body, a limited owner shall not grant a judicial lease or create a fixed tenancy without the sanction of the court. Any fines or principal moneys arising from the exercise of such powers shall be dealt with in manner provided by the Lands Clauses Consolidation Acts hereafter in this Act defined with respect to the purchase money or compensation coming to parties having limited interests.

In the case of any holding subject to mortgage the prescribed notice of any agreement between landlord and tenant for granting a judicial lease or creating a fixed tenancy of such holding under the foregoing provisions of this Act, shall be served upon the mortgagee, and the mortgagee shall be entitled to intervene in such proceedings in the prescribed manner and subject to the prescribed conditions.

PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND
AND EMIGRATION.*Acquisition of Lands by Tenants.*

XXIV. (1.) The land commission, out of moneys in their hands, may, if satisfied with the security, advance sums to tenants for the purpose of enabling them to purchase their holdings, as follows, that is to say,—

(a.) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the payment of a principal sum,

the land commission may advance to the tenant for the purposes of such purchase, any sum not exceeding three-fourths of the said principal sum,

(b.) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the tenant paying a fine and engaging to pay to the landlord a fee farm rent,

the land commission may advance to the tenant for the purpose of such purchase, any sum not exceeding one half of the fine payable to the landlord.

Provided that no advance shall be made by the land commission under this section on a holding subject to a fee farm rent, where the amount of such fee farm rent exceeds seventy-five per cent. of the rent which, in the opinion of the land commission, would be a fair rent for the holding.

(2.) Sales by landlords to tenants may on the application of either landlord or tenant be negotiated and completed through the medium of the land commission at a fixed price or percentage, according to a scale to be settled from time to time by the land commission with the consent of the Treasury.

(3.) Where an estate is subject to incumbrances, or any doubt arises as to the title, the land commission, if satisfied with the indemnity or terms given by the landlord may themselves indemnify the tenant against any such incumbrances, or any right, title, or interest adverse to or in derogation of the title of the landlord, and any such indemnity of the land commission shall be a charge upon the Consolidated Fund or the growing produce thereof.

XXV. A landlord of a holding, being a limited owner as defined

by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may by agreement, subject to the provisions of the Lands Clauses Consolidation Acts (except so much of the same as relates to the purchase of lands otherwise than by agreement), sell and convey such holding to the tenant, and may exercise to the same extent as if he were an absolute owner the power of permitting any sum not exceeding one-fourth in amount of the price which the tenant may pay as purchase money, to remain as a charge upon such holding secured by mortgage, and in case of any advance being made by the land commission under the provisions of this Act to the tenant for the purchase of such holding any such mortgage shall be subject to any charge in favor of the land commission for securing such advance; and any such mortgage and the principal moneys secured thereby shall be deemed to be part of the purchase money or compensation, payable in respect of the purchase of such holding, and shall be dealt with accordingly in manner provided by the Lands Clauses Consolidation Acts; and in the construction of the said Acts for the purposes of this section the expression "the special Act" shall be construed to mean this Act, and the expression "the promoters of the undertaking" shall be construed to mean the tenant.

XXVI. (1.) Any estate may be purchased by the land commission for the purpose of reselling to the tenants of the lands comprised in such estate their respective holdings, if the land commission are satisfied with the expediency of the purchase, and are further satisfied that a competent number of the tenants are able and willing to purchase their holdings from the land commission.

(2.) The sale by the land commission of a holding to the tenant thereof may be made either in consideration of a principal sum being paid as the whole price whether paid immediately or by means of such advance as in this part of this Act mentioned or in consideration of a fine and of a fee farm rent, with this qualification, that the amount of the fee farm rent shall not exceed seventy-five per cent. of the rent which in the opinion of the land commission would be a fair rent for the holding.

(3.) For the purposes of this section a competent number of tenants means a body of tenants who are not less in number than three fourths of the whole number of tenants on the estate,

and who pay in rent not less than two-thirds of the whole rent of the estate, and of whom a number, comprising not less than one-half of the whole number of tenants on the estate, and able and willing to pay the whole price of their holdings, either immediately or by means of such advances as in this part of this Act mentioned.

The condition as to three-fourths of the number of tenants may be relaxed on special grounds with the consent of Lords Commissioners of the Treasury, but so that in no case less than half the number of tenants shall be able and willing to purchase.

(4.) The land commission may advance to a tenant proposing to pay the whole price of his holding any sum not exceeding seventy-five per cent. of the said price, and to a tenant purchasing subject to a fee farm rent a sum not exceeding one half of the amount of the fine payable by the tenant.

(5.) In sales by land commission to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser.

The land commission may, if they are satisfied with the indemnity or terms offered or given by the vendor, purchase for the purposes of this section an estate subject to incumbrances, or an estate subject to any right, title or interest adverse to or in derogation of the title of the vendor, and the land commission may indemnify any person to whom they may sell any holding under this section against any such incumbrances or the enforcement of any such right, title, or interest, and such indemnity shall be a charge on the Consolidated Fund or the growing produce thereof.

XXVII. Where the land commission have purchased an estate they may sell any parcels which they do not sell to the tenant thereof in such manner as they think fit, in consideration either of a principal sum as the whole price, or of a fine and a fee farm-rent, or partly in one way and partly in the other.

The land commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one half of the principal sum paid as the whole price or of the fine.

The provisions of this part of this Act with respect to the charges for expenses and to the mode in which sales are to be

made and to the indemnity which the land commission may give to the purchaser shall, except so far as the land commission otherwise direct, apply to the sale of a parcel in pursuance of this section in like manner as if the purchaser had been the tenant of the holding at the time of his making the purchase.

XXVIII. (1.) Any advance made by the land commission for the purpose of supplying money for the purchase of a holding or parcel from the land commission shall be repaid by an annuity in favor of the land commission for thirty-five years of five pounds for every hundred pounds of such advance, and so in proportion for any less sum.

(2.) Every such advance shall be secured to the commission either in such manner as may be agreed on between the commission and the person to whom the advance is made, and as the commission think sufficient, or in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, in like manner in all respects as if the same were such an advance as is mentioned in those Acts, and as if the land commission were the Board therein mentioned, and as if the person receiving the advance were a tenant or purchaser therein mentioned.

(3.) Any person liable to pay an annuity in this section mentioned may redeem the same, or any part thereof, or may pre-pay any instalments thereof in such manner and on such terms as is provided by section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, or in such other manner, and on such other terms, as the Treasurer may from time to time approve, having regard to due repayment of the loan and the protection of the land commission against loss by said loan.

XXIX. (1.) The land commission shall not purchase a leasehold estate under this part of this Act, unless the lease is for lives or years renewable for ever, or is for a term of years of which not less than sixty are unexpired at the time when the sale is made, or unless the land commission have purchased some greater right or interest in the estate in which the leasehold would be merged: Provided that—

(a.) This part of this Act shall not empower the owner of a leasehold holding under a lease containing a prohibition against alienation to sell such leasehold unless such prohibition is determined or is waived; and

(b.) Nothing in this section shall prevent the purchase of an estate by reason only of a small part thereof being leasehold.

(2.) Any body corporate, public company, trustees for charities, commissioners or trustees for collegiate or other public purposes, or any person having a limited interest in an estate or any right or interest therein, may sell the same to the land commission, and for the purpose of the purchase by the land commission of any estate or any right or interest therein the Lands Clauses Consolidation Acts (except so much as relates to the purchase of land otherwise than by agreement) shall be incorporated with this Act, and in construing those Acts for the purposes of this section the "special Act" shall be construed to mean this Act, and "the promoters of the undertaking" shall be construed to mean the land commission, and "land" shall be construed to include any right or interest in land.

(3.) For the purpose of this Act "the Lands Clauses Consolidation Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860.

(4.) Any sale of a holding to a tenant by a landlord, also any sale to a tenant of a holding by the land commission in pursuance of this part of this Act, may be made either in pursuance of Part II. of the Landlord and Tenant (Ireland) Act, 1870, or in such manner as the land commission may think expedient; and for the purpose of the application of the said Part II., "price" in section thirty-two of the Landlord and Tenant (Ireland) Act, 1870, shall be deemed to include a fine and a fee farm rent as a principal sum, and the enactments relating to the distribution of the price shall apply with the necessary modifications.

XXX. (1.) As between the land commission and the proprietor for the time being of any holding for the purchase of which the land commission have advanced money in pursuance of this part of this Act, the following conditions shall be imposed so long as such holding is subject to any charge in respect of an annuity, in favor of the land commission; that is to say,

(a.) The holding shall not be subdivided or let by such proprietor without the consent of the land commission until the whole charge due to the land commission has been repaid:

(b.) Where the proprietor subdivides or lets any holding or

part of a holding in contravention of the foregoing provisions of this section, the land commission may cause the holding to be sold :

(c.) Where the title to the holding is divested from the proprietor by bankruptcy, the land commission may cause the holding to be sold :

(d.) Where, on the decease of the proprietor, the holding would by reason of any devise, bequest, intestacy, or otherwise, become sub-divided the land commission may require the holding to be sold within twelve months after the death of the proprietor to some one person, and if default is made in selling the same, the land commission may cause the same to be sold.

(2.) The land commission may cause any holding which under this section they can cause to be sold, or any part of such holding, to be sold by public auction or private contract, and subject to any conditions of sale they may think expedient, and after such notice of the time, place, terms, and conditions of such sale, as they think just and expedient ; and the land commission may convey such holding to the purchaser in like manner in all respects as if the holding had been vested in the land commission.

(3.) The land commission shall apply the proceeds derived from such sale in payment, in the first instance, of all moneys due to them in respect of the holding, and in redemption on the terms specified in section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, of any annuity charged on the said holding, in favor of the commission, or of so much thereof as remains unpaid, and of all expenses incurred by the land commission in relation to such sale or otherwise with respect to the holding, and shall pay the balance to the persons appearing to the land commission to be for the time being entitled to receive the same.

Provided, that in respect of any holding which is subject to any charge in respect of an annuity in favor of the Board of Works, created in pursuance of the Landlord and Tenant (Ireland) Act, 1870, the said Board may, if they shall see fit, at any time during the continuance of such charge, upon the application of the person for the time being liable to pay the same, declare such holding to be subject to the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favor of the land commission ; and thenceforth so much of the

forty-fourth and forty-fifth sections of the said Landlord and Tenant (Ireland) Act, 1870, as prohibits, without the consent of the Board, the alienation, assignment, sub-division, or sub-letting of a holding charged as in the said section mentioned, and declares that in the event of such prohibition being contravened the holding shall be forfeited to the Board, and also so much of section two of the Landlord and Tenant (Ireland) Act, 1872, as relates to the sale of holdings in lieu of forfeiture, shall, as to the holding in respect of which such a declaration has been made, be repealed, and the conditions imposed by this Act on a holding subject to any charge in respect of an annuity in favor of the land commission shall apply to the holding in respect whereof the said declaration has been made in the same manner as if the said conditions had been made applicable to the said last-mentioned holding by the said Acts of one thousand eight hundred and seventy and one thousand eight hundred and seventy-two, and the said Board had thereby been authorized to enforce the said conditions.

Reclamation of Land and Emigration.

XXXI. (1.) The Treasury may authorize the Board of Works to advance from time to time out of any moneys in their hands to companies, if they are satisfied with the security, such sums as the Treasury think expedient for the purpose of the reclamation or improvement of waste or uncultivated land, or foreshores, drainage of land, or for building of laborers' dwellings, or any other works of agricultural improvement.

(2.) The Treasury may authorize the Board of Works to make advances for like purposes to an occupier of land, when satisfied that the tenancy or other security which he may have to offer is such as to insure repayment of principal and interest within such number of years as the Treasury may fix, or when the landlord joins the occupier in giving such security.

Any advance to an occupier under this sub-section shall be subject to the provisions of the Landed Property Improvement (Ireland Acts,) so far as the Treasury may declare the same to be applicable, and shall have priority over all charges and incumbrances whatever upon the tenancy of such occupier, except rent, unless the landlord is a party to the advance, and agrees to postpone the rent to it; but before such advance is made one month's

previous notice thereof shall be given in a newspaper circulating in the district within which the said holding is situated, and in such other manner as the Board of Works may prescribe; and such advance shall not have priority over any charge or incumbrance of which the Board of Works may have had notice in writing given them before making the advance.

(3.) The Board of Works shall not make to any company in pursuance of this section any advances exceeding in the whole the sums which such company may, within such period as may be determined by the Board of Works, have advanced or expended out of their own moneys for some one of the purposes of this section, nor any advances without proper security that those advances shall be expended for such purposes as aforesaid in addition to the sums advanced or expended by the company out of their own moneys.

(4.) Advances made by the Board of Works to a company in pursuance of this section shall be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the sixteenth day of August, one thousand eight hundred and seventy-nine, with reference to loans to which section two of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section, and save as regards such periods and rate of interest the enactments relating to loans made by the Board of Works for the like purposes to those above in this section mentioned shall, so far as is consistent with this section, apply in like manner as if an advance under this section were a loan made in pursuance of those enactments.

XXXII. The land commission may from time to time, with the concurrence of the Treasury, and on being satisfied that a sufficient number of people in any district desire to emigrate, enter into agreements with any person or persons having authority to contract on behalf of any state or colony or public body or public company with whose constitution and security the land commission may be satisfied, for the advance by the commission by way of loan, out of the moneys in their hands, of such sums as the commission may think it desirable to expend in assisting emigration especially of families and from the poorer and more thickly populated districts of Ireland. Such agreements shall contain such provisions relative to the mode of the

application of the loans and the securing and repayment thereof to the commission, and for securing the satisfactory shipment, transport, and reception of the emigrants, and for other purposes, as the commission with the concurrence of the Treasury approve. Such loans shall be made repayable within the periods and at the rate of interest within and at which advances by the Board of Works for the purpose of the reclamation or improvement of land are directed by this Act to be made repayable: Provided always, that there shall not be expended by virtue of the authority hereby given a greater sum than two hundred thousand pounds in all, nor a greater sum than one-third part thereof in any single year.

Supplemental Provisions.

XXXIII. The Treasury may from time to time, as they think fit, issue the sums required for advances or purchases of estates by the land commission under this part of this Act not exceeding the sums annually granted by Parliament for the purpose; and sections twelve, thirteen, fourteen, and fifteen of the Public Works Loans (Ireland) Act, 1877, shall apply in like manner as if they were herein enacted, with the substitution of the "Land Commission" for "the Commissioners of Public Works," and as if the said sums required by the land commission were the loans in the said sections mentioned.

XXXIV. (1.) The land commission before buying any estate shall reasonably satisfy themselves that a resale can be effected without loss.

(2.) The land commission on purchasing any estate shall certify to the Treasury that they are satisfied with the matters of which they are by this section, or by any other provision of this part of this Act, required to be satisfied before such purchase, and such certificate shall be conclusive evidence to any purchaser that they were so satisfied and that the purchase was made in accordance with this Act.

(3.) An advance made by the land commission to a purchaser of a holding or of any parcel of land, in respect of any one purchase by him under this Act whether from the landlord or from the land commission, shall not exceed three thousand pounds, unless the commission report to the Treasury that by reason of special circumstances they deem it expedient to make an ad-

vance not exceeding five thousand pounds, in which case they may make such advance with the approval of the Treasury,

(4.) The land commission shall, from time to time, by sale by auction, or in such other manner as may be allowed by the Treasury, dispose of all fee farm rents for the time being vested in them.

(5.) The land commission shall in purchasing estates, in making advances, in dealing with the funds that come into their possession, and in accounting for the same, and generally in the performance of their duties under this part of this Act, conform to any directions, whether given on special occasions or by general rule or otherwise, which may from time to time be given them by the Treasury, and shall from time to time report as the Treasury may direct all matters which may be transacted by the land commission.

(6.) All sums received by the commission as repayments of any advance, and all sums received by the commission for fees, percentages, rents, or otherwise shall, except so far as they may be applied under directions from the Treasury in payment of expenses, be paid into the Exchequer.

XXXV. All powers exercisable by the Board of Works under the Landlord and Tenant (Ireland) Act, 1870, and the Landlord and Tenant (Ireland) Act, 1872, in relation to the purchase by tenants of their holdings shall, after the passing of this Act, and subject to the provisions of this Act, be transferred to and may be exercised by the land commission, and the said Acts, and any enactments amending the same so far as they relate to the matter aforesaid shall be construed as if the land commission were substituted for the Board: Provided that this section shall not affect or interfere with any of the powers of the Board of Works in relation to any transactions which are completed before the passing of this Act, or which the Board declare are being carried into effect at the passing of this Act.

XXXVI. In fixing the purchase moneys, fines, rents, fees, percentages, and other sums to be charged or made payable to the land commission in respect of transactions under this part of this Act care should be taken to fix the same in such manner as to make the amount resulting therefrom, as nearly as can be estimated, not less than the amount required to defray the expenses.

PART VI.

COURT AND LAND COMMISSION.

Description of Court and Proceedings.

XXXVII. (1.) The expression "The Court" as used in this Act shall mean the civil bill court of the county where the matter requiring the cognizance of the court arises.

(2.) Where a matter requiring the cognizance of the court arises in respect of a holding situate within the jurisdiction of more than one civil bill court, any civil bill court within the jurisdiction of which any part of the holding is situated may take cognizance of the matter.

(3.) Any proceedings which might be instituted before the civil bill court may, at the election of the person taking such proceedings, be instituted before the land commission, and thereupon the land commission shall, as respects such proceedings, be deemed to be the court.

(4.) Where proceedings have been commenced in the civil bill court any party thereto may, within the prescribed period, apply to the land commission to transfer such proceedings from the civil bill court to the land commission; and thereupon the land commission may order the same to be transferred accordingly.

(5.) The court shall have jurisdiction in respect of all disputes between landlords and tenants arising under this Act.

(6.) In determining any question relating to a holding, the court may direct any independent valuer to report to the court his opinion on any matter the court may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the court to form a judgment as to the subject matter of such report. The court may, or may not, as it thinks fit, adopt the report of such valuer, and it may make such order with respect to the costs incurred in respect of such report as it thinks just.

XXXVIII. There shall be incorporated with this Act the following provisions of the Landlord and Tenant (Ireland) Act, 1870, as if the purposes therein referred to included the purposes of this Act; that is to say,

(1.) Section twenty-three, relating to the powers of the judge of

- the civil bill court ; and section twenty-five, relating to the court of arbitration ;
- (2.) Section forty, relating to the apportionment of rents, and in that section rents shall include any rents payable to the Crown ;
 - (3.) Section fifty nine, relating to administration on death of tenant ;
 - (4.) Section sixty, containing provisions as to married women ;
 - (5.) Section sixty-one, containing provisions as to other persons under disability ;
 - (6.) Section sixty-two, relating to additional sittings of civil bill court ;
 - (7.) Section sixty-four, relating to power to appoint a substitute in civil bill court if judge cannot attend.

XXXIX. There shall be paid, out of moneys to be provided by Parliament, to clerks of the peace appointed to their office before the fourteenth day of August, one thousand eight hundred and seventy-seven, and who have not accepted any permanent office under the County Offices and Courts (Ireland) Act, 1877, and also to clerks of the Crown and peace who, under the provisions of the sixteenth section of the said Act have elected to continue to practice as solicitors, such annual sums, by way of remuneration for any additional duties imposed on them by this Act, as the Lord Lieutenant, with the consent of the Treasury, may direct.

Notwithstanding the conditions imposed by any other Act upon the grant of a pension to a county court judge, it shall be lawful for the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, at any time before the first day of January one thousand eight hundred and eighty-four, to grant to any county court judge now entitled to practise at the bar who shall show to the satisfaction of the Lord Lieutenant and the Treasury that the discharge of the additional duties imposed on him by this Act would deprive him of professional emoluments which, if this Act had not been passed, he would have received, such retiring pension, not exceeding two-thirds of his salary, as having regard to the circumstances of each case, shall appear to the Lord Lieutenant and the Treasury to be reasonable.

Arbitration.

XL. Any matter capable of being determined by the court under this Act, may, if the parties so agree, be decided by arbitration, and an arbitration shall be conducted by the court of arbitration in manner provided by the Landlord and Tenant (Ireland) Act, 1870, and where the amount of rent is decided by arbitration, such rent shall, for the purposes of this Act, be deemed to be the judicial rent.

Appointment and Proceedings of Land Commission.

XLI. A land commission shall be constituted under this Act consisting of a judicial commissioner and two other commissioners.

The judicial commissioner, and every successor in his office, shall be a person who at the date of his appointment is a practicing barrister at the Irish bar of not less than ten years standing.

The judicial commissioner for the time being shall forthwith on his appointment become an additional judge of the Supreme Court of Judicature in Ireland with the same rank, salary, tenure of office, and right to retiring pension as if he had been appointed a puisne judge of one of the common law divisions of the High Court of Justice.

He may be required by order of the Lord Lieutenant in Council to perform any duties which a judge of the said Supreme Court of Judicature is by law required to perform; but, unless so required, he shall not be bound to perform any of such duties.

The first judicial commissioner shall be Mr. Serjeant O'Hagan.

If any vacancy occurs in the office of the judicial commissioner by death, resignation, incapacity, or otherwise, her Majesty may, by warrant under the Royal Sign Manual, appoint some other qualified person to fill the vacancy.

The two commissioners, other than the judicial commissioner, shall respectively hold their offices for seven years next succeeding the passing of this Act.

If during the said period of seven years a vacancy occurs in the office of any of such other commissioners by death, resignation, incapacity, or otherwise, Her Majesty may by warrant under the Royal Sign Manual appoint some other fit person to

fill such vacancy, but the person so appointed shall hold his office only until the expiration of the said seven years.

The first commissioners, other than the judicial commissioner, shall be Mr. Edward Falconer Litton and Mr. John E. Vernon.

XLII. The land commission under this Act shall be a body corporate, with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled "The Irish Land Commission."

Judicial notice shall be taken by all courts of justice of the corporate seal of the land commission, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

XLIII. The Lord Lieutenant may from time to time, with the consent of the Treasury as to number, appoint and by Order in Council remove assistant commissioners, who shall have the prescribed qualifications and hold office for the prescribed times.

The central office of the land commission shall be in Dublin, but they may hold sittings in any other part of Ireland.

The land commission may form sub-commissions in any province, particular district or districts of Ireland, and such sub-commissions shall consist of such number of the said assistant commissioners or of a commissioner and one or more assistant commissioners as the land commission may think fit, and the land commission may delegate to any sub-commission such of the powers, except as to appeals, by this Act conferred upon the land commission, as they think expedient, and may from time to time revoke, alter, or modify any powers so delegated to a sub-commission.

XLIV. Any power or act by this Act vested in or authorized to be done by the land commission, except the power of hearing appeals, may be exercised or done by any one member of the land commission or by any sub-commission, with this qualification, that any person aggrieved by any order of one commissioner, or by any order of a sub-commission, may require his case to be reheard by all three commissioners sitting together, except in the case of the illness or unavoidable absence of any one commissioner, when any such case may be heard by two commissioners sitting together; provided that neither of such two commissioners be the commissioner before whom the case was originally heard.

XLV. The land commission may from time to time, with the consent of the Lord Lieutenant, appoint and remove a solicitor and a secretary, and such officers, agents, clerks, and messengers as they, with the consent of the Treasury, and subject to such regulations as the Treasury may from time to time prescribe, deem necessary for the purposes of this Act.

They may also, with the consent of the Treasury, employ such actuaries, surveyors, and other persons as they may think fit for the purpose of enabling the land commission to carry into effect any of the provisions of this Act.

XLVI. There shall be paid to each of the commissioners, other than the judicial commissioner, a salary not exceeding three thousand pounds a year, and to the assistant commissioners, secretary, officers, and other persons above mentioned such salaries or remuneration as the Lord Lieutenant may, with the consent of the Treasury, determine.

The salaries of the commissioners, other than the Judicial Commissioner, and of the assistant commissioners, and of all persons employed by the land commission, and all expenses incurred by the land commission in carrying into effect this Act, not otherwise provided for, shall be paid out of moneys provided by Parliament.

XLVII. Any person aggrieved by the decision of any civil bill court with respect to the determination of any matter under this Act or under the Landlord and Tenant (Ireland) Act, 1870, may appeal to the land commission, and such commission may confirm, modify, or reverse the decision of the civil bill court. All appeals to the land commission under this Act shall be heard by all three commissioners sitting together, except in the case of illness or unavoidable absence of any one commissioner, when any appeal may be heard by two commissioners sitting together, one of whom shall be the Judicial Commissioner.

The land commission may determine any appeal in Dublin, or may proceed to any place or places in Ireland for the purpose of from time to time determining the same.

The twenty-fourth section of the Landlord and Tenant (Ireland) Act, 1870, is hereby repealed. All appeals under the said section pending at the time of the passing of this Act are hereby transferred to the land commission; and all further proceedings thereon shall be taken in the prescribed manner.

XLVIII. (1.) For the purposes of this Act the land commission shall have full power and jurisdiction to hear and determine all matters, whether of law or fact, and shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certorari into any other court.

(2.) The land commission may of its own motion, or shall on the application of any party to any proceeding pending before it, unless it considers such application frivolous and vexatious, state a case in respect of any question of law arising in such proceedings, and refer the same for the consideration and decision of Her Majesty's Court of Appeal in Ireland.

The land commission may also, in case it thinks fit, permit any party aggrieved by the decision of the land commission in any proceedings to appeal in respect of any matter arising in such proceedings to Her Majesty's Court of Appeal in Ireland; provided that no appeal from the land commission to the Court of Appeal in Ireland shall be permitted in respect of any matter arising under Part V. of this Act, or in respect of any decision as to the amount of fair rent, or any question of value or of damages, or any matter left in the discretion of the land commission.

The decision of the said Court of Appeal on any such question so referred to it shall be final and conclusive.

(3.) The land commission with respect to the following matters; that is to say,

(a.) Enforcing the attendance of witnesses, (after a tender of their expenses,) the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents; and

(b.) Issuing any commission for the examination of witnesses; and

(c.) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the land commission or any of them sitting in open court; and

(d.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act;

shall have all such powers, rights, and privileges as are vested

in the Chancery Division of the High Court of Justice in Ireland for such or the like purposes, and all proceedings before the land commission shall in law be deemed to be judicial proceedings before a court of record.

(4.) In determining any question relating to a holding the commission may direct an independent valuer to report to it his opinion on any matter the commission may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the commission to form a judgment as to the subject matter of such report. The commission may or may not, as it thinks fit, adopt the report of such valuer, and it may make any such order with respect to the costs incurred in respect of such report as it thinks just.

(5.) The land commission may review or rescind or vary any order or decision previously made by them, or any of them; but save as by this Act provided every order or decision of the said commission shall be final: Provided always, that any order or decision made by three members of the land commission shall not be reviewed, rescinded, or varied, except by three members of the land commission.

Nothing in this section shall authorize the land commission to determine any question or to exercise any power of a judge in relation to any purchase of an estate by them, or to the purchase of a holding through the medium of the land commission.

XLIX. Where the land commission or any sub-commission hold sittings elsewhere than in Dublin, such land commission or sub-commissions may use the court-houses commonly used for civil bill purposes or for the holding of courts of petty sessions, and the officers of the civil bill courts shall, in the prescribed manner and at the prescribed times, be bound to attend the sittings of the said land commission and sub-commissions, and to perform analogous duties to those which they perform in the case of a sitting of the civil bill court.

L. (1.) The land commission shall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters, or any of them :

- (a.) The proceedings on the occasions of sales under this Act:
- (b.) The proceedings on the occasion of applications to fix judicial rents under this Act, and the withdrawal of such applications:
- (c.) The proceedings in the civil bill court under this Act:
- (d.) The consolidation of cases and the joinder of parties:
- (e.) The security (if any) to be given by applicants to, or persons dealing with, the commission:
- (f.) The proceedings in appeals under this Act:
- (g.) The proceedings in respect of cases stated for the decision of Her Majesty's Court of Appeal in Ireland under this Act:
- (h.) The proceedings on the occasion of applications for transfer of cases from the Civil Bill Court to the land commission under this Act:
- (i.) The qualifications and tenure of office of assistant commissioners:
- (j.) The forms to be used for the purposes of this Act:
- (k.) The scale of costs and fees to be charged in carrying this Act into execution, and the taxation of such costs and fees, and the persons by or from whom and the manner in which such costs and charges are to be paid or deducted, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged:
- (l.) The attendance and discharge of duties by the officers of the civil bill courts before the land commission and sub-commissions when holding sittings under this Act:
- (m.) The mode in which consents on the part of the land commission or of any landlord, tenant, or other person may be signified under this Act:
- (n.) The service of notices on mortgagees and persons interested, and any other matter by this Act, or any part of any Act incorporated therewith, directed to be prescribed.
- (o.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the land commission expedient to make rules for the purpose of carrying this Act or any part of any Act incorporated herewith into effect.

(2.) Any rules made in pursuance of this section shall be judicially noticed in all courts of her Majesty's dominions.

(3.) Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament; and if an Address is presented to Her Majesty by either House of Parliament within the next subsequent one hundred days on which the said House shall have sat praying that any such rule may be annulled, her Majesty may thereupon by Order in Council annul the same, and the rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(4.) The Public Offices Fees Act, 1879, shall apply to fees payable under this Act.

LI. The making of rules and orders prescribing and regulating the mode of service of civil bill processes in ejectments, and for recovery of rent, is hereby declared to be within the provisions of the seventy-ninth section of the County Officers and Courts (Ireland) Act, 1877; and, notwithstanding any other enactment, the service of such processes in the manner prescribed by such rules or orders shall be valid and sufficient.

Whenever an action for the recovery of rent not exceeding twenty pounds or for the recovery of land, whether for non-payment of rent or for overholding, is brought in the High Court of Justice in Ireland, in any case in which the plaintiff in such action could have sued for the recovery of such rent or land in a civil bill court, the plaintiff in such action shall not be entitled to any costs, unless the judge before whom such action is tried, or the divisional court to which such action is attached, shall by order declare the said plaintiff entitled to costs.

LII. Subject to rules made under this Act, it shall be lawful for the party to any proceeding before the land commission or any sub-commission, or with the leave of such commission or sub-commission, for the father or husband of such party or for a solicitor of the Supreme Court of Judicature in Ireland (but not a solicitor retained as an advocate by such first-mentioned solicitor), or for a barrister retained by or on behalf of

such party and instructed by his or her solicitor, but without any right of exclusive audience or pre-audience, to appear and address such commission or sub commission and conduct the case subject to such rules and regulations as may be from time to time prescribed.

LIII. No person being a member of the land commission other than the judicial commissioner, or being an assistant commissioner or employed by the land commission, shall by reason of such membership or employment acquire any right to compensation, superannuation, or other allowance on abolition of office or otherwise.

LIV. No person being a member of, or holding office under, the land commission, or being an assistant commissioner, shall, during the time that he holds his office, be capable of being elected a member of or sitting in the Commons House of Parliament.

LV. The land commission shall once in every year after the year one thousand eight hundred and eighty-one make a report to the Lord Lieutenant as to their proceedings under this Act, and every such report shall be presented to Parliament.

LVI. The land commission shall from time to time prepare in such form and at such times as the Treasury from time to time direct accounts of their receipts and expenditure, and within six months after the expiration of the year to which the accounts relate the land commission shall transmit the same to the Controller and Auditor General to be audited, certified, and reported upon in conformity with the regulations from time to time made by the Treasury for that purpose, and the accounts, with the reports of the Controller and Auditor General thereon, shall be laid before the House of Commons not later than three months after the date on which they were transmitted for audit if Parliament be then sitting, and if not sitting, within fourteen days after Parliament next assembles.

Provided, that the regulations made by the Treasury under this section shall be laid before the House of Commons within one month of the date thereof, if Parliament be then sitting, and, if not, then within fourteen days after Parliament next assembles, and that such regulations shall not have effect until they have lain for thirty days upon the Table of the House.

PART VII.

DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

LVII. In the construction of this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the context repugnant thereto; that is to say,

“ Lord Lieutenant ” includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being :

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

“ Board of Works ”* means the Commissioners of Public Works in Ireland :

“ County ” includes a riding of a county :

“ 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 :

“ Tenant ” means a person occupying land under a contract of tenancy, and includes the successors in title to a tenant :

Where the tenant sub-lets part of his holding with the consent of his landlord he shall, notwithstanding such sub-letting, be deemed for the purposes of this Act to be still in occupation of the holding.

“ Landlord ” means the immediate landlord or the person for the time being entitled to receive the rents and profits or take possession of the land held by his tenant, and includes the successors in title to a landlord :

“ Holding ” during the continuance of a tenancy means a parcel of land held by a tenant of a landlord for the same term and under the same contract of tenancy, and, upon the determination of such tenancy, means the same parcel of land discharged from the tenancy :

“ Tenancy ” means the interest in a holding of a tenant and his successors in title during the continuance of a tenancy ; and “ rent of a tenancy ” means the rent for the time being payable by such tenant or some one or more of his successors :

“ Present tenancy ” means a tenancy subsisting at the time of the passing of this Act or created before the first day of January one thousand eight hundred and eighty-three in a

holding in which a tenancy was subsisting at the time of the passing of this Act, and every tenancy to which this Act applies shall be deemed to be a present tenancy until the contrary is proved :

“ Future tenancy ” means, except as aforesaid, a tenancy beginning after the passing of this Act.

“ Ordinary tenancy ” means a tenancy to which this Act applies, and which is not a tenancy subject to statutory conditions, or a judicial lease, or a fixed tenancy :

“ Sale, ” “ sell, ” and cognate words, include alienation, and alienate, with or without valuable consideration :

“ Ejectment ” includes action for recovery of land :

“ An estate ” means any lands which the land commission may by order declare fit to be purchased as a separate estate for the purposes of this Act.

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

“ Landed Property Improvement (Ireland) Acts ” means the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, intituled “ An Act “ to facilitate the improvement of landed property in Ireland, ” and any Acts amending or extending the same.

Any words or expressions in this Act which are not hereby defined, and are defined in the Landlord and Tenant (Ireland) Act, 1870, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the last-mentioned Act, and the Landlord and Tenant (Ireland) Act, 1870, except in so far as the same is expressly altered or varied by this Act or is inconsistent therewith, and this Act shall be construed together as one Act.

LVIII. This Act, with the exception of so much thereof as amends the Landlord and Tenant (Ireland) Act 1870, in respect of compensation for improvements, and with the exception of Part Five of this Act, shall not apply to tenancies in—

- (1.) Any holding which is not agricultural or pastoral in its character or, partly agricultural and partly pastoral ; or
- (2.) Any demesne land, or any land being or forming part of a home farm or any holding ordinarily termed “ town-parks ” adjoining or near to any city or town which bears an increased value as accommodation land over and above the

- ordinary letting value of land occupied as a farm, and is in the occupation of a person living in such city or town, or the suburbs thereof; or
- (3.) Any holding let to be used wholly or mainly for the purpose of pasture, and valued under the Acts relating to the valuation of property at an annual value of not less than fifty pounds; or
 - (4.) Any holding let to be used wholly or mainly for the purposes of pasture, the tenant of which does not actually reside on the same, unless such holding adjoins or is ordinarily used with the holding on which such tenant actually resides; or
 - (5.) Any holding which the tenant holds by reason of his being a hired laborer or hired servant; or
 - (6.) Any letting in conacre or for the purpose of agistment or for temporary depasturage; or
 - (7.) Any holding let to the tenant during his continuance in any office, appointment, or employment, or for the temporary convenience or to meet a temporary necessity either of the landlord or tenant; Provided that any such letting made after the passing of this Act shall be by contract in writing, which shall express the purpose for which such letting is made;
 - (8.) Any cottage allotment not exceeding a half of an acre;
 - (9.) Any "glebe" as defined by the Act of thirty-eighth and thirty-ninth Victoria, chapter forty-two, which now is, or hereafter shall be held or occupied by any "ecclesiastical persons" as by the same Act defined, and no such ecclesiastical person shall in respect of such glebe be entitled to make any claim for compensation under any of the provisions of the Landlord and Tenant (Ireland) Act, 1870, or of this Act.

LIX. Where it appears to the court, on the joint application of the landlord and tenant of any holding valued under the Acts relating to the valuation of rateable property in Ireland at a sum not exceeding thirty pounds a year—

That the tenant has paid the whole (or such sum as the landlord may be willing to accept as the equivalent of the whole) of the rent payable in respect of the year of the tenancy expiring on the gale day next before the passing of this

Act, and that antecedent arrears are due, the land commission may make, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half of the antecedent arrears, and thereupon the court shall by order declare the holding to be charged with the repayment of the advance to the land commission, by a rent-charge payable half yearly during the fifteen years from the date specified in the order, and calculated at the rate of eight pounds, ten shillings a year for every hundred pounds of the advance.

Whenever in the case of any tenant evicted for nonpayment of rent since the first day of May one thousand eight hundred and eighty, the landlord agrees to re-instate such tenant on the terms in this section set forth, this section shall apply as if the tenant had not been so evicted from his holding.

The charge declared by the order as aforesaid shall have priority over all charges affecting the holding except quit-rent and Crown rent and sums payable to the commissioners of Public Works or the Commissioners of Church Temporalities in Ireland, and the landlord for the time being of the holding shall pay to the land commission the sum for the time being due on account of such rent-charge.

Every half-yearly amount of such rent-charge shall be deemed to be an addition to the half-year's rent of the holding (whether a judicial rent or otherwise) due from the tenant to the landlord, and may be recovered by the landlord accordingly.

On the order of the court being made as aforesaid in relation to any holding, all arrears of rent due in respect of that holding on or prior to the gale day next before the passing of this Act shall be deemed to be absolutely released.

The landlord and tenant may agree that any rent paid by the tenant during the twelve months immediately preceding the passing of this Act shall be deemed, for the purposes of this section, to have been paid in respect of the rent due for the purposes of this section, to have been paid in respect of the rent due for the then current year, and not in respect of arrears of rent.

Where arrears of rent in respect of a holding are due to some person or persons besides the landlord, the advance made by the land commission under this section shall be rateably distributed by the court amongst the persons entitled thereto.

An application for an advance under this section shall not be made after the twenty-eighth day of February one thousand eight hundred and eighty-two.

The omission or refusal by either landlord or tenant of any holding to join with the other of them in obtaining a loan from the land commission under this section shall not prejudice any other application or proceeding which either of them may make or institute under this Act or the Landlord and Tenant (Ireland) Act, 1870, in relation to the holding.

The land commission may make advances for the purpose of this section out of any moneys for the time being in their hands for the purposes of this Act.

The land commission shall at such time after the expiration of each period of twelve months as the Treasury may from time to time appoint, make up an account showing for the said period of twelve months the amount of all such payments due to them in respect of rent charges payable to them under this section as they have failed to recover at the expiration of the said period (in this section referred to as payments in arrear), and the Commissioners of Church Temporalities in Ireland shall, out of any moneys at their disposal, pay to the land commission any sums appearing from such account to be due to the land commission. Any such payment by the Commissioners of Church Temporalities in Ireland shall not discharge any person indebted to the land commission in respect of any payments in arrear, and it shall be the duty of the land commission to take any proceedings they may be advised for the recovery of payments in arrear, and to repay to the commissioners of Church Temporalities in Ireland any sums so recovered.

LX. Any application which a tenant is authorized by this Act to make to the court shall, if made to the court on the first occasion on which it sits after the passing of this Act, have the same operation as if it had been made on the day on which this Act comes into force; and any order made upon such application shall be of the same effect as if it had been made on the day on which this Act comes into force, unless the court otherwise directs; and the person by whom such application is made shall, if the court thinks just, be in the same position and have the same rights in respect of his tenancy as he would have been in and would have had if the applications had been made on the day on which this Act comes into force.

LXI. This Act shall not apply to England or Scotland.

LXII. This Act may be cited for all purposes as the Land Law (Ireland) Act, 1881.

An Act to amend and extend the provisions of the Land Law (Ireland) Act, 1881, relating to Laborers' Cottages and Allotments.—*18th August, 1882.*

Whereas it is expedient to amend, and extend the provisions relating to Laborers' Cottages and Allotments of the Land Law (Ireland) Act, 1881:

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:

I. This Act may be cited for all purposes as the Laborers' Cottages and Allotments (Ireland) Act, 1882

II. In this Act the expression "the principal Act" means the Land Law (Ireland) Act, 1881, and the several words and expressions to which meanings are assigned by that Act shall have the same respective meanings in this Act unless there be something in the context repugnant thereto.

III. Where under section eight of the principal Act the landlord and tenant of any holding have agreed and declared, or shall agree and declare, by writing under their hands, what is the fair rent of the holding, and such agreement and declaration has been or shall be filed in court, the Land Commission may at any time within six months from the passing of this Act, or within twelve months from the date of filing such declaration and agreement, whichever shall last happen, order the tenant of such holding for the accommodation of the laborers employed thereon to improve any existing cottage or cottages, or build any new cottage or cottages, or assign to any such cottage an allotment not exceeding half an acre, and may by such order fix the terms as to rent and otherwise on which such accommodation is to be provided, and any such order may be made on the application of the landlord, or of the tenant of the holding, or of any laborer bona fide employed and required for the cultivation thereof.

IV. Where an order shall be made under this Act, or has been made or is made under section nineteen of the principal Act for providing accommodation for the laborers employed on any holding, and such order has not been complied with within six

months from the date of such order, or six months from the passing of this Act, whichever shall last happen, the person failing to comply with such order shall be liable thenceforth to a penalty of one pound for every week during which such order is not complied with, and such penalty shall be recoverable in a summary manner before two or more justices in petty sessions in manner provided by the petty Sessions (Ireland) Act, 1851, upon the complaint of any laborer employed on the holding, and in whose favor such order has been or shall have been made, and the justices shall award such penalty to the guardians of the poor of the union within which the holding is situate to be applied in aid of the poor rate of such union.

V. Any person who has incurred any penalty under the provisions of this Act may apply to the Land Commission for relief from the same, and the Land Commission may relieve him from the whole or part of such penalty on such terms as to compliance with the order and as to costs or otherwise as the Land Commission thinks fit, and such relief may be granted notwithstanding that an order has been made at petty session for the payment of the penalty.

VI. This Act and the principal Act shall be read together and construed as one Act.

APPENDIX L.

PREVENTION OF CRIME (IRELAND) ACT, 1882.

[45 & 46 Vict. Ch. 257.]

ARRANGEMENT OF SECTIONS.

PART I.

SPECIAL COMMISSION.

Section.

1. Special Commission Court.
2. Appeal from Special Commission Court to Court of Criminal Appeal.
3. Constitution of Court of Criminal Appeal.

PART II.

SPECIAL JURORS AND VENUE.

4. Special jurors in criminal cases.
5. Penalty for non-attendance of special juror.
6. Change of venue.

PART III.

OFFENCES AGAINST THIS ACT.

7. Intimidation.
8. Riots and other offences.
9. Unlawful associations.
10. Illegal meetings.
11. Arrest of persons found at night under suspicious circumstances.

PART IV.

GENERAL POWERS.

12. Arrest of strangers found under suspicious circumstances.
13. Newspapers.
14. Searches for arms and illegal documents.
15. Application of Alien Act to aliens.
16. Powers of justices to summon witnesses.
17. Power of apprehending absconding witnesses.
18. Additional constabulary force.
19. Power of Lord Lieutenant as to compensation to be paid in certain cases of murder or maiming.
20. Description of "district" and provision as to raising charge.

PART V.

SUPPLEMENTAL PROVISIONS AND DEFINITIONS.

21. Punishment for offences against Act.
22. Summary procedure for offences under Act.
23. Proclamation of districts.
24. Supplemental provisions as to proclamations and orders.
25. Regulation as to warrants and notice of trial.
26. Rota of judges.
27. Regulations as to courts.
28. Rules for procedure in Schedule.
29. Allowances to judges, witnesses, and others.
30. Rules of procedure and matters to be prescribed.
31. Powers of Act to be cumulative.
32. Saving for trade unions.
33. Saving for associations.
34. Definition of "unlawful association."
35. General definitions.

36. Short title.
37. Duration of Act.
SCHEDULES.

CHAPTER XXV.

AN ACT FOR THE PREVENTION OF CRIME IN IRELAND.

[12th July, 1882.]

Whereas by reason of the action of secret societies and combinations for illegal purposes in Ireland the operation of the ordinary law has become insufficient for the repression and prevention of crime, and it is expedient to make further provision for that purpose :

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

PART I.

SPECIAL COMMISSION.

I. (1.) The Lord Lieutenant may from time to time direct a commission or commissions to be issued for the appointment of a court or courts of special commissioners for the trial in manner provided by this Act of persons committed for trial for any of the following offences ; that is to say,

- (a.) Treason or treason-felony committed after the passing of this Act ;
- (b.) Murder or manslaughter ;
- (c.) Attempt to murder ;
- (d.) Aggravated crime of violence against the person ;
- (e.) Arson, whether by common law or by statute ;
- (f.) Attack on dwelling-house ;

and whenever it appears to the Lord Lieutenant that in the case of any person committed for trial for any of the said offences a just and impartial trial cannot be had according to the ordinary course of law, the Lord Lieutenant may by warrant assign to any such court of Special Commissioners (in this Act referred to as a Special Commission court) the duty of sitting at the place named in the warrant and of there, without a jury, hearing and determining, according to law, the charge made

against the person so committed for trial and named in the warrant, and of doing therein what to justice appertains.

(2.) A Special Commission court shall consist of three judges of the Supreme Court of Judicature in Ireland (other than the Lord Chancellor), to be named in such commission, and they shall try in open court, according to the tenor of a warrant under this Act, all persons named in the warrant who may be brought before them for trial.

(3.) The evidence taken on a trial before a Special Commission court, and the reasons, if any, given by the judges in delivering judgment, shall be taken down by a shorthand writer, who shall be sworn to take the same accurately to the best of his ability.

(4.) A person tried by a Special Commission court shall be acquitted unless the whole court concur in his conviction, and the judges of the said court shall in all cases of conviction give in open court the reasons for such conviction.

(5.) Where a person is tried by a Special Commission court he shall, if acquitted by such court, be entitled to be conveyed free of cost to any place he selects in the county in which he was committed for trial.

(6.) The Lord Lieutenant shall from time to time provide for the payment of the reasonable expenses of witnesses, and in the case of poor persons charged with treason, treason felony, or murder, for the payment of counsel required for the defense of a person brought for trial before a Special Commission court, and certified to be so required by such court.

Provided that nothing in this Act shall empower a Special Commission court to try a person for any offense, unless a judge and jury in Ireland would, but for this section, have had jurisdiction to try that person for the said offense.

II. (1.) Any person convicted by a Special Commission court under this Act may, subject to the provisions of this Act, appeal either against the conviction and sentence of the court, or against the sentence alone, to the Court of Criminal Appeal hereinafter mentioned, on any ground, whether of law or of fact; and the Court of Criminal Appeal shall (subject to the provisions of this Act) have power after hearing the appeal to confirm the conviction and sentence, or to enter an acquittal, or to vary the conviction or sentence.

Provided that—

- (a.) The conviction shall not be varied save by substituting a conviction for some less offense, for which the Special Commission court had jurisdiction on the trial to convict the appellant; and
 - (b.) The sentence shall not be increased.
- (2.) The conviction or sentence as confirmed or varied by the Court of Criminal Appeal shall have effect as if it were the conviction and sentence of the Special Commission Court, and shall be deemed to be the sentence of a Special Commission Court.
- (3.) If the appellant establishes want of jurisdiction in the Special Commission court, the Court of Criminal Appeal may quash the proceedings.
- (4.) The Court of Criminal Appeal shall have for the purpose of any appeal all the powers and jurisdiction of the Special Commission court.

III. (1.) The Court of Criminal Appeal under this Act shall consist of the judges of the Supreme Court of Judicature in Ireland (with the exception of the Lord Chancellor), and any of those judges not less than five may sit and exercise the powers of the court.

Provided that a judge who sat in the Special Commission court shall not sit in the Court of Criminal Appeal on any appeal against a conviction or sentence by that Special Commission court to which he was a party.

(3.) The determination of any appeal shall be according to the determination of a majority of the judges who heard the appeal.

PART II.

SPECIAL JURORS AND VENUE.

IV. (1.) Where the trial of a person charged with an indictable offence would otherwise have been had by a jury before some court not being a court of general or quarter sessions, the Attorney General for Ireland, or the person charged, may, on serving the prescribed notice in the prescribed manner, require that the jury shall consist entirely of special jurors, and the jury shall consist of special jurors accordingly. Where more persons than one are to be tried together on the same charge, and no-

tice for special jurors has not been served by the Attorney General, but has been served by some and not all of such persons, the jury shall consist entirely of special jurors or not, as the court may direct :

Provided that a trial shall not be impeached on any ground connected with the qualification of the jurors or any of them.

(2.) The special jurors shall be taken by ballot in manner provided by the nineteenth section of the Juries Procedure (Ireland) Act, 1876, from all the jurors on the panel returned by the sheriff from the special jurors' book.

(3.) A county mentioned in the first column of the Second Schedule to this Act, and a county of a city or town set opposite the name of that county in the second column of the said schedule, shall as respects special jurors be deemed to be contributory counties ; and the special jurors of each of two contributory counties shall be lawful jurors for the trial of any person who is to be tried by special jurors in either of such contributory counties ; and, whenever a trial requiring special jurors under this Act is about to take place in one of two contributory counties, steps shall be duly taken by the sheriff of each of the said counties for returning to the proper officer of the court in which such trial is held the panel of the special jurors of his county and the special jury for such trial shall be taken by ballot accordingly from all the jurors upon such two panels indifferently ; and the sheriff of each of the said contributory counties shall deliver to the proper officer of the court the cards for such ballot, and the ballot shall be taken in manner provided by the said nineteenth section of the Juries Procedure (Ireland) Act, 1876.

The expression " sheriff " in this section includes any officer who by law performs the duties of sheriff in relation to the return of jurors.

V. The words " twenty pounds " shall be substituted for the words " forty shillings " in section four of the Juries Procedure (Ireland) Act, 1876, in the case of special jurors.

VI. (1.) The Attorney-General, on making application to the High Court of Justice or a judge thereof, and certifying that in his opinion it is expedient in the interests of justice that a person awaiting his trial for an indictable offence should be tried in some county named in the certificate other than the county

X. (1.) The Lord Lieutenant may from time to time by order in writing of which public notice shall be given and published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety. A copy of such order shall be forthwith served in the prescribed manner if possible on the promoters of such meeting.

(2.) And, in case such meeting be so prohibited, two or more justices of the peace shall attend at the place where they have reason to believe such meeting is to be held, and one or more of such justices shall in the prescribed form and manner then and there notify aloud, to the persons attending, that such meeting is prohibited by the Lord Lieutenant; and in case any of the persons so met or assembled together shall not disperse forthwith within a reasonable time, each of such persons thereupon shall be guilty of an offense against this Act; so, however, that the term of imprisonment awarded shall not exceed three months.

(3.) A copy of every such order shall be laid before Parliament within fourteen days after the day on which such order was made, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament.

XI. (1.) In a proclaimed district, if a person is out of his place of abode at any time after one hour later than sunset and before sunrise under circumstances giving rise to a reasonable suspicion of a criminal intent, any constable may arrest that person and bring him forthwith before the nearest available justice of the peace, and such justice, after inquiry into the circumstances of the case, may either discharge him or take the necessary steps, by committing him to prison or taking reasonable bail with two sufficient sureties not exceeding fifty pounds each, to bring him as soon as may be, and within a period not exceeding seven days, before a court of summary jurisdiction acting under this Act, and if on such person appearing before a court of summary jurisdiction acting under this Act, and the case being heard, the court believes that such person was out of his place of abode and not upon some lawful occasion or business he shall be guilty of an offense against this Act; so, however, that the term of imprisonment awarded shall not exceed three months.

(2.) Upon the hearing of a charge under this section against a person, that person may, if he thinks fit, be examined as an ordinary witness in the case.

PART IV.

GENERAL POWERS.

XII. (1.) If a constable finds in a proclaimed district any stranger under circumstances giving rise to a reasonable suspicion of criminal intent, he may arrest such stranger and bring him before a justice of the peace, and if such justice after inquiry into the circumstances of the case by evidence on oath, is satisfied that such stranger has not a lawful object in being in such place the justice may require him to give security by entering into a recognizance with two sufficient sureties to an amount not exceeding fifty pounds for each surety, to keep the peace and to be of good behaviour towards all Her Majesty's subjects during the ensuing six months, and, in default of his giving such security, may commit him to prison unless he gives such security or is discharged in pursuance of this section, so however that he shall not be imprisoned for more than one month.

(2.) The justice shall, on the application of any such person brought before him as aforesaid, adjourn the further hearing of the case to a petty sessions to be held for the petty sessions district within which such arrest took place, not less than four days after the date of such application, and to consist of at least two justices, on such person giving reasonable bail for his appearance at such petty sessions. Such court of petty sessions shall deal with the case in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same, in the case of summary proceedings, and shall have the same power to deal with such person as is in this section herein-before conferred on a justice of the peace.

(3.) Upon the inquiry into the circumstances of the case of a person arrested under this section, such person and the husband or wife of such person as the case may be, may, if such person thinks fit, be examined as an ordinary witness in the case.

(4.) The justice or justices committing a person to prison in pursuance of this section may for good cause discharge a person

so committed, and in any case shall forthwith transmit a report of the committal to the Lord Lieutenant, stating the grounds of the committal, the security required, and any explanations given by the prisoner by way of defense. The Lord Lieutenant may order the prisoner to be discharged if it seems just to him so to do.

XIII. (1.) Where after the passing of this Act any newspaper wherever printed is circulated or attempted to be circulated in Ireland, and any copy of such newspaper appears to the Lord Lieutenant to contain matter inciting to the commission of treason or of any act of violence or intimidation, the Lord Lieutenant may order that all copies of such newspaper containing that matter shall, when found in Ireland, be forfeited to Her Majesty, and any constable duly authorized by the Lord Lieutenant may seize the same.

(2.) Where it appears to the Lord Lieutenant that such newspaper was printed and published in Ireland the order of the Lord Lieutenant shall indicate the part of the newspaper on account of which the order was made, and if the newspaper specifies the office in Ireland at which the newspaper is printed and published, the order shall, as soon as practicable, be served in the prescribed manner at the office so specified.

(3.) Every order of the Lord Lieutenant under this section shall be published in the *Dublin Gazette*, and shall be laid before Parliament within thirty days if Parliament is then sitting, and, if not, within thirty days after the next sitting of Parliament.

XIV. (1.) It shall be lawful for the Lord Lieutenant from time to time by warrant in the prescribed form to direct the inspectors and sub-inspectors of constabulary for the time being acting in any constabulary district, or any of them, to search for and seize in any proclaimed district, or in any part thereof specified in the warrant, all or any of the following articles; that is to say, any arms, ammunition, papers, documents, instruments, or articles suspected to be used or to be intended to be used for the purpose of or in connection with any secret society or secret association existing for criminal purposes; all such articles when seized shall be forfeited to Her Majesty.

(2.) Any inspector or sub-inspector so authorized by the warrant may, at any time within three months from the date of the

warrant, and at any place within the proclaimed district or the part thereof specified in the warrant, together with such constables and other persons as he calls to his assistance, seize, detain, and carry away any of the articles above mentioned which he may find; and for the purposes aforesaid may at any time enter into any house, building, or place, and if admittance is refused or is not obtained within a reasonable time after it is first demanded, may enter by force in order to execute the warrant.

(3.) The person so executing the warrant shall, if desired, before executing the warrant produce the same.

XV. The Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter twenty, intituled "An Act to authorize for one year and to the end of the then next session of Parliament the removal of aliens from the realm," and a copy of which is set forth in the third schedule to this Act, is hereby re-enacted, and shall continue in force for the same period as this Act.

Provided as follows:—

- (1.) For the purposes of construction the Act mentioned in this section shall be deemed to have been passed at the date of the passing of this Act, and expressions in the said Act referring to its commencement or passing shall be construed accordingly, but section seven of the said Act, providing for its duration, shall be of no effect;
- (2.) An alien convicted of a misdemeanor under section two of said Act shall be treated as a misdemeanor of the first class or division;
- (3.) The place in which any examination of witnesses or hearing of a case before the Lords of the Privy Council, in pursuance of section three of the said Act is held, shall be in open court;
- (4.) The said Act shall extend to the Isle of Man in like manner as if that isle were declared by the said Act to form part of Great Britain.

XVI. Where a sworn information has been made that an offence has been committed, any resident magistrate in the county or place in which the offence was committed, although no person may be charged before him with the commission of such offence, may summon to appear before him at a police office or

the place where the petty sessions for the district in which the said offence has been committed are usually held any person within his jurisdiction whom he has reason to believe to be capable of giving material evidence concerning such offence, and he may examine on oath and take deposition of such person concerning any such offence, and, if he see cause, may bind such person by recognizance to appear and give evidence at the next petty sessions, or when called upon within three months from the date of such recognizance; and the law relating to a witness when summoned before a justice having jurisdiction and required to give evidence concerning the matter of an information or complaint shall apply to a witness summoned under this section.

(1.) An offence for the purposes of this section means any felony or misdemeanor, and also any offence against this Act, with the exception of the offences specified in sections ten and eleven of this Act.

(2.) A person summoned to appear under this section shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate himself, but any statement made by any person in answer to any question put to him on any examination under this section shall not, except in case of an indictment or other criminal proceeding for perjury, be admissible in evidence against him in any proceeding civil or criminal.

(3.) A magistrate who conducts the examination, under this section, of a person concerning any offence, shall not, if such offence is punishable on summary conviction, take part in the committing for trial of such person for such offence.

XVII. Whenever any person is bound by recognizance to give evidence before justices, or any criminal court, any justice, if he sees fit, upon information being made in writing, and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of such person, and if such person is arrested any justice, upon being satisfied that the ends of justice would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recognizance to give evidence, unless in the meantime he produces sufficient sureties. Provided that any person so arrested

shall be entitled on demand to receive a copy of the information upon which the warrant for his arrest was issued.

XVIII. (1.) When it appears to the Lord Lieutenant from time to time, that by reason of the existence or apprehension of crime and outrage in any district, the number of constabulary ordinarily employed in such district is not sufficient, he may by proclamation, which shall be published in the "Dublin Gazette," declare that for the reasons aforesaid such district requires additional constabulary, and may order additional constabulary to be employed in such district, and for that purpose may from time to time add to the Royal Irish Constabulary such officers and men (if any) as he thinks necessary.

(2.) The Inspector-General of the Royal Irish Constabulary shall from time to time make out, in such manner as the Lord Lieutenant may order, an account of the total cost of any additional constabulary employed in any district under this section, and shall certify the amount to the Lord Lieutenant.

(3.) The whole, or such part of the whole as the Lord Lieutenant may order, of the amount so certified shall, be a charge payable by the district in which such additional constabulary are employed. And the Lord Lieutenant may exempt from charge any specified portion of the area declared to be chargeable, or any specified rateable property in such area.

Provided that if the district is in a county where the number of constabulary is, after allowing for vacancies arising from death, absence on leave, absence from illness, or other like cause, deficient as compared with the quota for that county, and additional constabulary are employed, under this section, in the county, a charge under this section shall not be made in respect of such number of the additional constabulary as is equal to the number required for the time being to make up the said deficiency.

There shall be published monthly in the *Dublin Gazette* a return showing the number of additional constabulary employed pursuant to this section, the district or districts in which they are respectively employed, and a statement of the cost or approximate cost to each district resulting from such employment.

XIX. (1.) Where it appears from information on oath and in writing that any one has been murdered, maimed, or otherwise

injured in his person, and that such murder, maiming, or injury is a crime of the character commonly known as agrarian, or arising out of any unlawful association, and an application is made for compensation, the Lord Lieutenant may, if he thinks fit, after giving public notice in the district in the prescribed manner, by warrant nominate such person or persons being or one of whom shall be a practicing barrister of at least six years standing as he thinks fit to investigate the application, and after hearing all parties whom he or they may deem to be interested, including any body of ratepayers in the district, to report to the Lord Lieutenant thereon; the parties shall be heard personally or by counsel, and the evidence taken on oath in open court.

(2.) For the purpose of such investigation the person or persons so nominated shall, with respect to enforcing the attendance of witnesses, and all other matters, have the same power as justices sitting in petty sessions. Such public notice shall be given of the place and time at which the investigation will be held, and the report to the Lord Lieutenant shall be in the prescribed form and shall be made in such manner as the Lord Lieutenant may direct. The remuneration of such person or persons and the expenses of holding the investigation, to such amount as may be fixed by the Lord Lieutenant, with the approval of Her Majesty's Treasury, shall be defrayed out of moneys to be provided by Parliament.

(3.) Upon such report, the Lord Lieutenant may dismiss the application if he thinks fit, or may award such sum for compensation as he thinks just.

(4.) The said sum shall, if the Lord Lieutenant think just, be a charge payable by such district and in such instalments as the Lord Lieutenant may by warrant order, and shall be paid to the personal representative of the person murdered or to the person maimed or injured, or if he is dead to his personal representative.

(5.) Applications under this Act may be made by the personal representative or one of the next-of-kin of any person murdered, or by any person maimed or injured, or by a Crown solicitor or by any person in that behalf authorized by the Lord Lieutenant.

(6.) This section shall not apply to any cases of murder,

maiming, or injury which have occurred before the first day of June one thousand eight hundred and eighty, except cases in which notice of intention to apply for a presentment under the provisions of the thirty-ninth section of the Peace Preservation (Ireland) Act, 1870, had been published as prescribed by that Act, but the claim for compensation failed to be decided by reason of the expiration of that Act.

(7.) Where the act causing the murder, maiming, or injury has occurred since the passage of this Act, an application for compensation under this section shall not be entertained unless it is made within three months after the occurrence of the act causing the murder, maiming, or injury.

(8.) Where the act causing the murder, maiming, or injury has occurred before the passing of this Act an application for compensation under this section shall not be entertained unless it is made within three months after the passing of this Act.

XX. (1) For the purpose of the provisions of this Act with respect to additional constabulary in any district, and compensation in cases of murder, maiming, or injury, the expression "district" means any county, barony, townland, or parish, or part or parts thereof respectively.

(2.) Any charge in respect of such additional constabulary, or any sum for such compensation as aforesaid, which is for the time being a charge payable by any district shall be apportioned rateably upon all rateable hereditaments in the district other than those exempted by the Lord Lieutenant in pursuance of this Act, and shall be payable by the occupiers thereof:

(3.) Such apportionment shall be made and such charges collected by persons for the time being appointed by warrant of the Lord Lieutenant for that purpose; and every person so appointed collector shall, for the purpose of such collection, have all the powers, authorities, and remedies given by law to the collector of grand jury cess, and shall account for the sums which he is authorized to collect in manner directed from time to time by the Lord Lieutenant, and the Lord Lieutenant's warrant shall be conclusive proof that the sums named in the warrant are to be raised in the district as therein mentioned, and that the person named in the warrant is authorized to collect the same.

(4.) Any person liable to any portion of such charge shall on demand before the execution of the warrant for collection be

entitled to inspect the applotment and the warrant or a copy thereof for the collection of the same.

(5.) A return showing the sums from time to time collected under this section, the districts from which the same have been levied, and the manner in which the same have been disposed of, shall be presented annually to Parliament within one month after the opening of Parliament.

Every warrant imposing a charge upon a district in respect of such additional constabulary, or such compensation as aforesaid, shall specify the time during which it is to remain in force, and shall be in the prescribed form, and shall be published in the prescribed manner, and a copy of every such warrant shall be laid before Parliament within one month after the date of the warrant, if Parliament is then sitting, and if not within one month after the next meeting of Parliament together with a statement showing the following particulars, in cases where such particulars do not appear in the warrant; that is to say, the valuation of the district proposed to be charged; the number of instalments by and the time within which the charge is to be raised; the poundage rate necessary for raising the same; and the grounds upon which the district has been charged, and the number of inhabitants in such district at the last census as far as can be ascertained.

PART V.

SUPPLEMENTAL PROVISIONS AND DEFINITIONS.

XXI. A person guilty of an offence against this Act shall be liable on summary conviction to imprisonment with or without hard labor for a term not exceeding six months, or such less term as is in his behalf fixed by any section of this Act.

XXII. (1.) Any offence against this Act shall be punishable on summary conviction, and may be prosecuted—

(a.) Within the police district of Dublin Metropolis in manner provided by the Acts regulating the powers and duties of justices of the peace of such district or of the police of such district; and

(b.) Elsewhere in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same, subject nevertheless to the provisions of this section.

(2.) The proceedings for enforcing the appearance of the per-

son charged, and the attendance of witnesses, shall be the same, and the evidence for both the prosecution and defence shall be taken as depositions in the same manner as if the offence were an indictable offence; but, save as aforesaid, the procedure, including the enforcing of the attendance of witnesses for the defence, shall be the same as in the case of an offence punishable on summary conviction.

(3) A charge for an offence against this Act shall be heard and determined—

(a.) Within the police district of Dublin Metropolis before a divisional justice of that district; and

(b.) Elsewhere before two resident magistrates in petty sessions, one of whom shall be a person of the sufficiency of whose legal knowledge the Lord Lieutenant shall be satisfied.

And in this Act the expression "court of summary jurisdiction acting under this Act" means any such divisional justice or two resident magistrates.

(4) The petty sessions held by two resident magistrates may be held at any place fixed by law for the holding of petty sessions, and on such days as may be from time to time determined in the prescribed manner.

(5) Where a person is convicted summarily of an offence against this Act and sentenced to any term of imprisonment exceeding one month, such person may appeal against such conviction to a court of general sessions held in pursuance of this section, but the proceedings before a divisional justice or two resident magistrates, on a charge for an offence against this Act, shall not be reviewed in any other manner, whether by means of a writ of certiorari or otherwise, and such appeal shall, save as hereinafter otherwise provided,—

(a.) Be subject, except in the police district of Dublin Metropolis, to the provisions to which an appeal under the Petty Sessions (Ireland) Act, 1851, is by section twenty-four of that Act, and any enactments amending that section, made subject; and

(b.) Be subject in the police district of Dublin Metropolis to the said provisions, with such modifications therein as may be prescribed for the purpose of adapting the same to the circumstances of that district.

(6.) For the purpose of hearing and determining appeals under this section general sessions of the peace shall be held at the prescribed times and places, and at such general sessions the chairman of the county shall sit as sole judge of the court, and shall hear and determine any such appeals which are brought before him, and shall have the jurisdiction and powers of a court of quarter sessions, and the decision of such chairman, whether as to the jurisdiction of the justice or magistrate or otherwise, shall be final and conclusive.

(7.) Any depositions taken at the hearing of a case before the divisional justice or two resident magistrates may be admitted in evidence on an appeal in that case.

(8.) The expression " chairman of the county " in this section means a county court judge and chairman of the quarter sessions of a county, and includes a recorder.

XXIII. The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time, when it appears to him necessary for the prevention of crime and outrage, by proclamation declare the provisions of this Act which relate to proclaimed districts or any of those provisions to be in force within any specified part of Ireland as from the date of the proclamation, or any later date specified in the proclamation; and the provisions of this Act which are mentioned in the proclamation shall after the said date be in force within such specified part of Ireland, and that part of Ireland shall be a proclaimed district within the meaning of the provisions so mentioned. The proclamation shall provide for the manner of the promulgation thereof.

XXIV. (1.) The Lord Lieutenant, but by and with the advice of the Privy Council, where a proclamation or order has been made by and with such advice, may, by a further proclamation or order, from time to time alter or revoke any proclamation or order made by him under this Act. A copy of every proclamation under this Act shall be laid before each House of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

(2.) Any warrant, order, notice, or other document of the Lord Lieutenant under this Act may be signified under his hand or under the hand of the Chief Secretary to the Lord Lieutenant.

(3.) Every proclamation under this Act, and a notice of the promulgation thereof in the manner provided, shall be published in the *Dublin Gazette*.

(4.) The production of a printed copy of the *Dublin Gazette* purporting to be printed and published by the Queen's authority, and containing the publication of any proclamation, order, or notice under this Act, shall be conclusive evidence of the contents of such proclamation, order, or notice, and the date thereof, and in the case of a proclamation that the district specified in such proclamation is a proclaimed district within the meaning of the provisions of this Act mentioned in the proclamation, and that the said proclamation has been duly promulgated, and in the case of an order that it has been duly made.

XXV. (1.) A warrant for the trial by a Special Commission court of a person charged with an offence shall be in the prescribed form, and shall, subject to the other provisions of this Act, be issued before he is arraigned for trial for such offence before some other tribunal in the ordinary course of law, or before the expiration of two months from the date of his being committed for trial, whichever of such event may first happen.

(2.) A copy of a warrant for the trial of a person before a Special Commission court shall be served on such person in the prescribed manner not less than fourteen days before his trial before such court begins, and shall be published in the *Dublin Gazette*, and shall be laid before Parliament within fourteen days, if Parliament be then sitting, and if not, within fourteen days after the then next meeting of Parliament.

(3.) Not less than fourteen days before the sitting of any Special Commission court to try a person for any offence, public notice shall be given in the prescribed manner in the locality in which the person charged with such offence was committed for trial, stating the names of the Special Commissioners, the said offence, the name of the person charged with such offence, and the place at which the court will sit and the day on which the sitting of the court will begin. A copy of such notice shall also be served in the prescribed manner, and within the prescribed time, on the person to be tried.

(4.) An objection to the jurisdiction of a Special Commission court to try a person for any offence shall not be entertained by

reason only of any non-observance of the provisions of this section ; but the court, on application, may adjourn the case, so as to prevent any person charged being prejudiced by such non-observance.

XXVI. (1.) The judges to be members of a special Commission court, and the judges to sit in the Court of Criminal Appeal under this Act, shall be respectively selected according to separate rotas to be determined by ballots held at the prescribed time and in the prescribed manner ; but where a judge appears to the Lord Lieutenant to be, on account of illness or some reasonable cause, ineligible, the judge next on the rota shall be selected.

(2.) Any judge appointed after either rota is determined shall be added after all the other judges on the rota.

(3.) An objection to the jurisdiction of a Special Commission court, or of the Court of Criminal Appeal under this Act, shall not be entertained by reason of the rota of judges to form or sit on such court not having been properly determined, or not having been observed.

XXVII. (1.) Commissions under this Act constituting Special Commission courts shall be in the prescribed form and be issued and superseded in the prescribed manner.

(2.) If any member of a Special Commission court dies, or it appears to the Lord Lieutenant that from illness or some reasonable cause it is necessary that another judge should be appointed in the place of a member of a Special Commission court, the Lord Lieutenant may, if he thinks it expedient so to do, direct a supplemental commission to be issued in the prescribed form and manner, appointing the next judge on the rota who is not ineligible to fill the vacancy in such court.

(3.) Subject to the provisions of this Act, and for the purpose of the trial of any persons charged before them, a Special Commission court shall have all the powers and jurisdiction of Her Majesty's High Court of Justice in Ireland, and all the same powers and jurisdiction as if it were a court of assize, and the court of oyer and terminer, and a court of gaol delivery, trying with a jury an offender indicted before such court, and shall have all the powers of a petty jury at such court, and shall be a superior court of record, and the same intendment shall be made in respect of all orders, writs, and process made by

issuing out of such Special Commission court, as if it were a superior court of record acting according to the course and by the authority of the common law.

(4.) All the members of a Special Commission court shall be present at the hearing and determination of the case of a person tried before such court, but, save as aforesaid, the jurisdiction of the court may be exercised by any of such members, and any act of the court shall not be invalidated by reason of any vacancy among the members.

(5.) Any offence with which a person brought for trial before a Special Commission court, in pursuance of this Act, is charged, shall be deemed to have been committed at some place within the jurisdiction of such court.

(6.) During such time as a person is subject, in pursuance of a warrant under this Act, to be tried by a Special Commission court for any offence, he shall not be liable to be tried by any other court for the same offence.

(7.) The trial by a Special Commission court of a person in pursuance of a warrant under this Act shall begin at such time within two months from the date of the warrant as may be ordered by the Lord Lieutenant, unless such trial is postponed by the court in the prescribed manner on the request of such person, or on account of the illness or absence of a witness, or on account of a vacancy in the court, or of the illness of such person, or some other sufficient cause, or unless the trial of such person, when commenced, has been discontinued on account of a vacancy in the court or the illness of such person, or some other sufficient cause.

(8.) Where a trial of a person is postponed or discontinued, the trial of such person may take place before the same court or any other special commission court, and shall take place as soon as may be and within the prescribed time.

(9.) In the event of a trial of a person which has been postponed or discontinued taking place before the same Special Commission court, the prescribed notice shall be given of such trial, and in the event of such trial taking place before another Special Commission court, a new warrant shall be issued for the trial of such person, and such warrant shall not be invalidated by reason only that it is issued after the expiration of two months from the date of such person being committed for trial.

(10.) A commission appointing a Special Commission court shall not be superseded or affected by the issue of another like commission, or of any commission of assize, oyer and terminer, gaol delivery, or other commission whatsoever, whether to the same or any other persons, nor shall the sitting or jurisdiction of such court be affected by the sitting of any such commission or of the High Court of Justies.

(11.) The number of judges sitting as the Court of Criminal Appeal under this Act to hear any case shall be such uneven number as, subject to the provisions of this Act, the Lord Chancellor may from time to time appoint, but if during the hearing of any case any judge so sitting dies or becomes unable to act, the whole case shall be again heard.

(12.) Sentence of death passed by a Special Commission court shall be carried into effect in the county or place where the trial is held by the sheriff having jurisdiction therein, or in such other place and by such other sheriff or officer as the Lord Lieutenant may direct.

(13.) The indictment against any person brought for trial before a special Commission court shall be prepared in the prescribed manner, and shall be in the prescribed form, and shall be of the same effect as if it were, and shall, so far as circumstances may admit, be deemed for all the purposes of the trial to be, an indictment found by a grand jury; and the proceedings before a Special Commission court shall, so far as circumstances may admit, be conducted in like manner as the proceedings on the trial of an indictment before a court of oyer and terminer, and the court shall have the same power of amending any indictment or other document or proceeding which a court of oyer and terminer has.

(14.) An objection to the jurisdiction of a Special Commission court to try a person in pursuance of a warrant under this Act shall not be entertained by reason only of any want of form in the warrant or of any mistake in the name or description of such person in the warrant if it is shown that the person tried is the person to whom the warrant relates; and an objection to the proceedings of such court for any want of form on the trial of any person shall not be entertained, if no injustice was thereby done to such person.

(15.) Lists of the names of all persons convicted by a Special

Commission court under this Act, with the dates of their convictions and the offences of which they have respectively been convicted, shall from time to time be laid before both Houses of Parliament at the following times, that is to say, a list of such names shall be laid before Parliament within seven days after the commencement of each Session of Parliament, and subsequent lists of intervals of not more than three months during the continuance of each Session. Every list after the first list shall contain only the names of persons convicted since the previous list.

(16.) The Lord Lieutenant shall from time to time provide for the payment of the reasonable expenses of a person coming to the place at which he is to be tried before a Special Commission court in any case where he was admitted to bail and is to be tried beyond the limits of the county in which he was committed for trial.

(17.) The prescribed Crown Solicitor, or other prescribed officer, under the direction of the Attorney General, shall provide, when necessary, for advancing money for enabling a person about to be tried before a Special commission court, and the witnesses required for the defence of such person, to attend the trial

XXVIII. The rules in the first schedule to this Act with respect to procedure on appeals under this Act to the Court of Criminal Appeal and the other matters therein mentioned shall have the same effect as if enacted in the body of this Act.

XXIX. There shall be paid out of the Consolidated Fund such allowances to judges and chairmen of counties, and there shall be paid out of moneys provided by Parliament such allowances to officers and other persons acting in pursuance of this Act, and such expenses incurred in reference to any court established or exercising jurisdiction under this Act, and such expenses of persons charged, counsel and witnesses, payable in pursuit of this Act, as the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time appoint.

XXX. The Lord Lieutenant may from time to time, by and with the advice of the Privy Council make, and when made revoke, add to, and alter rules in relation to the following matters :—

- (1.) For adapting the procedure on the preliminary to the trial of criminal cases, including the forms of indictment and other matters, to a Special Commission Court under this Act; and
- (2.) In relation to the procedure on appeals from a Special Commission court under this Act, and in relation to the sittings of the Court of Criminal Appeal under this Act; and
- (4.) In the case of a trial before a Special Commission Court, in relation to the sitting of such court in any place, and to the nomination of officers of such court; and
- (4.) In the case of a trial before a Special Commission Court, or the case where a special jury is required or where the venue is changed in relation to the attendance, authority, and duty of sheriffs, coroners, justices, gaolers, constables, officers, ministers, and persons, the removal and custody of prisoners, the alteration of any writs, precepts, inquisitions, indictments, recognizances, proceedings, and documents, the transmission of inquisitions, indictments, recognizances, and documents, and the expenses of prosecutors and witnesses, and the carrying of sentences into effect; also, in the case where a special jury is required, and the number of jurors to be returned on any panel; and
- (5.) In relation to forms for the purposes of this Act, and to any matter by this Act directed to be prescribed; and
- (6.) In relation to any matters which appear to the Lord Lieutenant, by and with the advice aforesaid to be necessary for carrying into effect the provisions of this Act; and any rules made in pursuance of this Act shall be judicially noticed and be of the same validity as if they were contained in this Act.

XXXI. Any powers or jurisdiction conferred by this Act on any court or authority in relation to any offence or matter shall be deemed to be in addition to and not in derogation of any other powers or jurisdiction of any court or authority subsisting at common law or by Act of Parliament in relation to such offence or matter:

Provided that no person shall be tried or punished twice for the same offence.

XXXII. No agreement or combination, which under the Trade

Union Acts, 1871 and 1876, or the Conspiracy and Protection of Property Act, 1875, is legal, shall be deemed to be an offence against this Act.

XXXIII. Nothing in this Act shall render unlawful any political or social association for such object, and acting by such means as under this Act or otherwise, are not unlawful, nor shall membership of such an association be deemed to be an offence against this Act.

XXXIV. The expression "unlawful association" means an association formed:

- (a.) for the commission of crimes; or
 - (b.) carrying on operations for or by the commission of crimes; or
 - (c.) for encouraging or aiding persons to commit crimes;
- and the expression "crime" for the purposes of this section means any offence against this Act, and also any crime punishable on indictment by imprisonment with hard labor, or by any greater punishment.

XXXV. In this Act unless the context otherwise requires.—

The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

The expression "county" includes a county of a city and a county of a town and city and county.

The expression "Attorney-General" includes in the case of any vacancy or inability to act the Solicitor-General:

The expressions "arms" and "ammunition" respectively have the same meaning as in the Peace Preservation (Ireland) Act, 1881.

The expression "prescribed" means prescribed by rules to be made by the Lord Lieutenant in manner provided by this Act.

The "expression "committed for trial" means a person committed to gaol to be there kept until his trial for an offence, or admitted to bail on the condition of his appearing to take his trial for any offence.

The expression "aggravated act of violence against the person" means an assault which either causes actual bodily harm, or grievous bodily harm, or is committed with intent to cause grievous bodily harm.

The expression "attack on a dwelling-house" means any crime cognizable by law involving the breaking into, firing at, or otherwise assaulting or injuring a dwelling-house.

The expression "resident magistrate" means a magistrate appointed in pursuance of the Act of the session of the sixth and seventh year of the reign of King William the Fourth, chapter thirteen, intituled "An Act to consolidate the laws relating to the constabulary force in Ireland," and of the Acts amending the same, and includes any divisional justice of the police district of Dublin metropolis.

The expression "inspector of constabulary" means a county inspector of the Royal Irish Constabulary, and includes an inspector of the Dublin metropolitan police, and the expression "sub-inspector of constabulary" means a sub-inspector of the Royal Irish Constabulary.

The expression "judges of the Supreme Court of Judicature" means the judges of Her Majesty's Court of Appeal and of Her Majesty's High Court of Justice in Ireland other than the Judicial Commissioner of the Irish Land Commission.

XXXVI. This Act may be cited as the Prevention of Crime (Ireland) Act, 1882.

XXXVII. This Act shall continue in force until the expiration of three years next after the passing thereof, and to the end of the then current session of Parliament.

Provided, that the expiration of this Act shall not affect the validity of anything done in pursuance of this Act, and any person convicted under this Act may be punished as if this Act continued in force, and all appeals, prosecutions, and other legal proceedings pending under this Act at the time of the expiration thereof may be carried on, completed and carried into effect, and the sentences carried into execution, as if this Act had not expired.

SCHEDULES.

FIRST SCHEDULE.

RULES FOR APPEALS TO THE COURT OF CRIMINAL APPEAL.

(1.) Notice of the appeal shall be given within seven days after the day on which the appellant was sentenced by the Spe-

cial Commission Court, or such further time as may be allowed by the said Special Commission Court, or by the Court of Criminal Appeal.

(2.) The said notice shall be served in the prescribed manner on the master of the Crown Office, or other prescribed person (who is in this Schedule included in the term Master of the Crown Office), but such notice shall not be invalidated by any informality in the procedure.

(3.) The master of the Crown Office shall forthwith in the prescribed manner give notice to the Attorney-General, and to the Special Commission Court before which the appellant was tried, and the latter court shall forthwith forward in the prescribed manner, for the use of the Court of Criminal Appeal, copies of the short-hand writer's notes, and all indictments, documents, and things connected with the case.

(4.) The master of the Crown Office shall forthwith give notice to the judges whose duty it is, according to the rota, to sit in the Court of Criminal Appeal, and those judges shall, notwithstanding any vacation, forthwith proceed to hold a court, and hear and determine the appeal.

(5.) Unless the Court of Criminal Appeal, on the application of the appellant or of the Attorney-General, for special reason otherwise orders, the court shall be held within fourteen days after the day on which the appellant was sentenced, and shall sit from day to day to hear the appeal.

(6.) The appeal shall be heard in open court in the presence of the appellant, and the appellant may appear by counsel or solicitor.

(7.) The court may re-hear the case by the reading of the evidence as contained in the shorthand writer's notes and may permit to be called or call any new witnesses, and may recall any witness who gave evidence at the trial, and may either examine such witness or let him be examined and cross-examined by or on behalf of the appellant and the prosecutor.

(8.) During the time allowed for an appeal and while an appeal is pending a sentence shall not be carried into execution, but the appellant shall be detained in custody in like manner as if he were awaiting his trial; and he shall be brought before the court in accordance with the prescribed rules, and the master of the Crown Office shall give the prescribed notice of

the appeal to the sheriff, gaoler, and other persons concerned in the execution of the sentence or the custody of the appellant, and shall also give such notice of the result of the appeal as may be necessary for carrying into effect the final judgment of the court.

(9.) Where a person convicted by a Special Commission court is in custody and without legal assistance, and is desirous to appeal, it shall be the duty of the governor or other chief officer of the prison in which he is confined to assist him in making out and forwarding within due time a notice of appeal to the proper officer in accordance with this Act.

(10.) An appellant shall be entitled, on application, to have a copy of the shorthand writer's notes, free of charge.

SECOND SCHEDULE.

Column 1.	Column 2.
County of Antrim.	County of the Town of Carrickfergus.
County of Cork.	County of the City of Cork.
County of Dublin.	County of the City of Dublin.
County of Galway.	County of the Town of Galway.
County of Kilkenny.	County of the City of Kilkenny.
County of Limerick.	County of the City of Limerick.
County of Waterford.	County of the City of Waterford.

THIRD SCHEDULE.

ALIEN ACT.

COPY OF ACT REFERRED TO.

ANNO UNDECIMO
VICTORIÆ REGINÆ.
C A P. XX.

An Act to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm. [9th June 1840.]

WHEREAS it is expedient, for the due Security of the Peace and Tranquillity of this Realm, that Provision should be made,

for a Time to be limited, respecting Aliens arriving or resident in this Kingdom: 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, That when and so often as One of Her Majesty's Principal Secretaries of State in that Part of the United Kingdom called Great Britain, or the Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called Ireland, shall have Reason to believe, from Information given to him or them respectively, in Writing, by any Person subscribing his or her Name and Address thereto, that for the Preservation of the Peace and Tranquillity of any Part of this Realm it is expedient to remove therefrom any Alien or Aliens who may be in any part of this Realm, or who may hereafter arrive therein, it shall be lawful for such Secretary of State in that Part of the United Kingdom called Great Britain, and for such Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called Ireland, by Order under his or their Hand or Hands respectively, to be published in the London or Dublin Gazette, as the Case may be, to direct that any such Alien or Aliens who may be within Great Britain or Ireland respectively, or who may hereafter arrive therein, shall depart this Realm, within a Time limited in such Order; and if any such Alien shall knowingly and wilfully refuse or neglect to pay due Obedience to such Order, or shall be found in this Realm or any Part thereof, contrary to such Order, after such Publication thereof as aforesaid, and after the Expiration of the Time limited in such Order, it shall be lawful for any of Her Majesty's Principal Secretaries of State, or for the Lord Lieutenant or other Chief Governor or Governors of Ireland, or his or their Chief Secretary, or for any Justice of the Peace, or for the Mayor or Chief Magistrate of any City or Place, to cause every such Alien to be arrested, and to be committed to the Common Gaol of the County or Place where he or she shall be so arrested, there to remain without Bail or Mainprize, until he or she shall be taken in charge for the Purpose of being sent out of the Realm, under the Authority hereinafter given.

II. And be it enacted, That every such Alien so knowingly and wilfully refusing or neglecting to pay due Obedience to any

such Order as aforesaid shall be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court, be adjudged to suffer Imprisonment for any Time not exceeding One Month for the First Offence, and not exceeding Twelve Months for the Second and any subsequent Offence.

III. And be it enacted, That it shall be lawful for any One of Her Majesty's Principal Secretaries of State, or the Lord Lieutenant or Chief Governor or Governors of Ireland, in any Case in which any Alien shall be found in this Realm after the Expiration of the Time limited in such Order, and whether he or she shall or shall not have been arrested or committed for Refusal or Neglect to obey such Order, or convicted of such Refusal or Neglect, and either before or after such Alien shall have suffered the Punishment inflicted for the same, by Warrant under his Hand and Seal, to give such Alien in charge to One of Her Majesty's Messengers, or to any other Person or Persons to whom he shall think proper to direct such Warrant, in order to such Alien being conveyed out of the Kingdom; and such Alien shall be so conveyed accordingly: Provided always, that where such Alien (not having been convicted as aforesaid) shall allege any Excuse for not complying with such Order, or any Reason why the same should not be enforced, or why further Time should be allowed him or her for complying therewith, it shall be lawful for the Lords of Her Majesty's Privy Council in Great Britain or in Ireland, as the Case may be, to judge of the Sufficiency of such Excuse or Reason, and to allow or disallow the same either absolutely or on such Condition as they shall think fit; and where such Alien shall be in Custody under such Warrant of any of Her Majesty's Secretaries of State, or of the Lord Lieutenant or other Chief Governor or Governors of Ireland as aforesaid, the Messenger or other Person in whose Custody he or she shall be, forthwith upon its being signified to him that such Excuse or Reason is alleged by such Alien, shall make known the same to such Secretary of State, or to the Lord Lieutenant or other Chief Governor or Governors of Ireland, as the Case may be, who, upon receiving such Notification, or in any Case in which he or they shall be informed that any such Excuse or Reason is alleged by or on behalf of any Alien to quit the Realm, shall forthwith suspend the Execution of such Warrant until the Matter can be inquired into and determined by the

said Lords of Her Majesty's Privy Council; and such Alien, if in Custody under any such Warrant, shall remain in such Custody, or if not in Custody may be given in charge by any such Warrant as aforesaid, and shall remain in Custody until the Determination thereon shall be made known, unless in the meantime such Secretary of State, or the Lord Lieutenant or other Chief Governor or Governors of Ireland, shall consent to or the said Lords shall make Order for the Release of such Alien, either with or without Security: Provided always, that the Lords of Her Majesty's Most Honorable Privy Council shall cause to be delivered to such Alien, in Writing, a general Summary of the Matters alleged against him or her, and shall allow him or her reasonable Time to prepare his or her Defence; and that it shall be lawful for him or her to summon and examine upon Oath Witnesses before the said Lords of Her Majesty's Most Honorable Privy Council, and to be heard before them, by himself or herself, or his or her Counsel, in support of the Excuse or Reason by him or her alleged.

IV. Provided always, and be it enacted, That in every Case in which Power is given by this Act to commit any Alien to Gaol without Bail or Mainprize it shall and may be lawful for any Justices of Her Majesty's Courts of Record at Westminster or in Dublin, or for any of the Barons in Great Britain or Ireland, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in Scotland, if upon Application made he shall see sufficient Cause, to admit such Person to Bail, he or she giving sufficient Security for his or her Appearance to answer the Matters alleged against him or her.

V. Provided nevertheless, and be it enacted, That where any Alien who shall have been committed under this Act to remain until he or she shall be taken in charge for the Purpose of being sent out of the Realm, shall not be sent out of the Realm within One Calendar Month after such Commitment, it shall in every such Case be lawful for any of the Justices of Her Majesty's Courts of Record at Westminster or in Dublin, or for any of the Barons in Great Britain or Ireland, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in Scotland, or for any Two of Her Majesty's Justices of the Peace in any Part of the United King-

dom, upon Application made to him or them by or on the Be- half of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application had been given to some or One of Her Majesty's Principal Secretaries of State in Great Britain, or to the Lord Lieutenant or Chief Governor or Governors of Ireland, or his or their Chief Secretary, according to his or their Discretion, to order the Person so committed to be continued in or discharged out of Custody.

VI. Provided always, and be it enacted, That nothing in this Act contained shall affect any Foreign Ambassador or other Public Minister duly authorized, nor any Person belonging to the diplomatic or domestic Establishment of any such Foreign Ambassador or Public Minister, registered as such according to Law, or being actually attendant upon such Ambassador or Minister, nor any Alien under the Age of Fourteen Years, or who shall have been residing within this Realm for Three Years next before the passing of this Act.

VII. And be it enacted, That this Act shall continue in force for One Year from the passing thereof, and until the End of the then next Session of Parliament.

VIII. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament.

APPENDIX M.

ARREARS OF RENT (IRELAND) ACT, 1882.

[45 & 46 Vict. Ch. 47.]

ARRANGEMENT OF SECTIONS.

PART I.

Settlement of Arrears of Rent.

Section,

1. Settlement by Land Commission of arrears of rent.
2. Modification in case of evicted tenant when restored to holding.
3. Application of Act to existing leases.

PART II.

Supplemental Provisions.

4. Powers of Land Commission.
5. Delegation of powers of Land Commission.

6. Incorporated provisions of 33 & 34 Vict. c. 76.
7. Punishment of fraudulent claim.
8. Charge of liabilities under Act on Irish Church Temporalities Fund and Consolidated Fund.
9. Definition of landlord.
10. Limit of time.
11. Exclusion of tenants of holdings of an aggregate valuation exceeding thirty pounds.
12. Holding valued as part of larger tenement.
13. Suspension of proceedings.
14. Evidence.
15. Cancellation of certain rent charges under 44 & 45 Vict. c. 49. s. 59. in repayment of advances for arrears of rent.
16. Arrears of rent how dealt with.
17. Exemption in respect of public charges upon arrears of rent extinguished.

PART III.

Emigration.

Section.

18. Power of guardians to borrow for emigration.
19. Orders for payment of loans may be made by Local Government Board.
20. Grants in aid of Emigration.
21. Rules.
22. Power to appoint an additional member of the Land Commission.
23. Rules for carrying Act into effect.
24. Short title of Act.

SCHEDULES.

CHAPTER 47.

An Act to make provision respecting certain Arrears of Rent in Ireland. [18th August, 1882.]

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

PART I.

Settlement of Arrears of Rent.

I. (1.) In the case of any holding to which the Land Law (Ireland) Act, 1881, applies, and which is valued under the Acts relating to the valuation of rateable property in Ireland at not more than thirty pounds a year, if on the application of the landlord and the tenant of such holding, or of either of them after ten days' notice in the prescribed manner by the landlord or his agent to the tenant, or by the tenant to the landlord or his agent, the following circumstances (in this Act referred to as preliminary conditions) are proved to the satisfaction of the Irish Land Commission, namely,—

- [a.] That the rent payable in respect of the year of the tenancy expiring on the last gale day of the tenancy in the year one thousand eight hundred and eighty-one (which year of the tenancy is in this Act referred to as "the year expiring as aforesaid") has been satisfied on or before the thirtieth day of November, one thousand eight hundred and eighty-two; and
- [b.] That antecedent arrears of rent are due to the landlord; and
- [c.] That the tenant is unable to discharge such antecedent arrears, without loss of his holding, or deprivation of the means necessary for the cultivation thereof.

the Irish Land Commission in this Act referred to as the Land Commission may make an order for the payment to or for the benefit of the landlord of a sum equal to one half of such antecedent arrears, subject to the limitation that the sum so paid shall not exceed the yearly rent payable in respect of the holding for the year of the tenancy next preceding the year expiring as aforesaid: Provided that for the purpose of application under the provisions of sections two, ten, and thirteen respectively of this Act, the Land Commission may in respect of such notice extend the periods in the said sections respectively mentioned for any time not exceeding ten days.

(2.) On such order for payment to or for the benefit of the landlord being made by the Land Commission, all such antecedent arrears of rent shall, subject as hereinafter mentioned, be released and extinguished, and any judgment, decree, or se-

curity for the rent of the holding, and any judgment or decree for the recovery of the holding on account of the non-payment of rent, shall be vacated so far as regards any rent due in respect of the holding before the last gale day in the year expiring as aforesaid, but shall not be vacated so far as regards any rent subsequently accrued due, or any costs due in pursuance of such judgment, decree, or security: Provided that in the event of a sale of the tenancy within seven years from the making of such order the arrears of rent dealt with by such order and not satisfied by payment or remission shall, to an amount not exceeding one year of such arrears nor one half of the proceeds of such sale, be a sum payable to the landlord out of such proceeds within the meaning of the Land Law [Ireland] Act, 1881. For the purposes of this Act the saleable value of the tenant's interest shall, so far as the Commissioners think it reasonable, be taken into account in ascertaining whether the tenant is unable to discharge such antecedent arrears.

[3.] All payments on account of rent made by the tenant to the landlord in or subsequent to the year expiring as aforesaid, but before the thirtieth day of November, one thousand eight hundred and eighty-two, shall be deemed to have been made on account of the rent payable in respect of the year expiring as aforesaid, to the extent to which the rent for that year had at the time of such payment accrued due, provided that where it appears that, according to the ordinary course of dealing between the landlord and tenant of a holding, the rent of such holding has usually been paid on some day after the day on which it became legally due, the usual day of payment shall be deemed, for the purposes of this sub-section, to be the time at which the rent accrued due.

(4.) A remission by the landlord of the whole or any part of the rent payable in respect of the year expiring as aforesaid shall be deemed to be a satisfaction of the amount of rent so remitted; provided that no remission made for any previous year shall be credited to the year expiring as aforesaid.

(5.) The Land Commission, if satisfied on the occasion of any application made under this Act, that it is just so to do, may authorize the tenant to make to the Land Commission any payments on account of the rent payable in respect of the year of the tenancy expiring as aforesaid which the tenant might other-

wise have made to the landlord, and such payment shall for the purposes of this Act, be deemed to have been made to the landlord, and the Land Commission shall, having first given public notice in the prescribed manner, cause any sum so paid by the tenant to be paid to the person appearing to such Commission to be entitled thereto as landlord.

(6.) Any money payable under this Act by the Land Commission to the landlord shall be paid to the person entitled as landlord without cost, except so far as may be caused by disputed title or by the person so entitled failing to comply with the rules for the time being in force relating to the payment of such money: Provided always, that where two or more parties are entitled to arrears, the Land Commission shall have power to decide the rights of the parties, and the proportion in which the sums so ordered to be paid to or for the benefit of the landlord shall be divided amongst them,

II. Any tenant evicted from his holding for non-payment of rent, or whose tenancy has been purchased for the landlord at any sale under and by virtue of any writ of execution founded upon a judgment obtained by the landlord for an arrear of rent due in respect of such holding, may, if his landlord agrees to reinstate him, apply, with the consent of his landlord in the prescribed manner, during the time limited for applications under this Act to the Land Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted or his tenancy had not been sold.

Any tenant evicted for non-payment of rent whom the landlord does not agree to reinstate, but who is entitled to apply for a writ of restitution in pursuance of the seventy-first section of the Landlord and Tenant Law Amendment Act (Ireland), 1860, may apply during the time limited for applications under this Act to the Land Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted, and on an application being made to that court having cognizance of the case for a writ of restitution, the court shall deal with the case as if the tenant had paid all arrears of rent up to the last gale day in the year expiring as aforesaid, and on compliance by the tenant with the other conditions of the said Act of 1860 the

court may order his restitution: Provided that an order of the Land Commission under this section shall not take effect until and unless the tenant is restored to his holding.

For the purpose of enabling any such evicted tenant to make an application to the Land Commission under the first section of this Act, the Land Commission shall have power, on application made by him within six months from the time of eviction, and during the time limited for applications under this Act, to enlarge the time during which he may redeem his tenancy for a period not exceeding three months, subject to such terms and conditions as may seem just.

III. This Act shall apply to holdings subject to existing leases within the meaning of section twenty-one of the Land Law (Ireland) Act, 1881, in like manner as it applies to any other holding.

PART II.

Supplemental Provisions.

IV. For the purposes of this Act the Land Commission may exercise all such powers vested in them for the purpose of the execution of the Land Law (Ireland) Act, 1881, as are referred to in the first schedule to this Act, and shall have full jurisdiction to hear and determine all matters, whether of law or fact, that may be required to be determined by them for the purposes of this Act, and they shall have power to retain in their hands any moneys which may be payable to a landlord until they have decided to whom such moneys are legally payable, and they shall in respect of such moneys have all the powers vested in the court by the thirty-seventh section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the distribution of purchase moneys, in the same manner as if the moneys so payable to the landlord were purchase moneys.

The Land Commission shall not be subject to be restrained in the execution of their power under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

The Land Commission may of its own motion, or shall on the application of any party to any proceeding pending before it unless it considers such application frivolous and vexatious, state a case in respect of any question of law arising in such

proceedings, and refer the same for the consideration and decision of Her Majesty's Court of Appeal in Ireland.

V. The Land Commission may from time to time by rule under this Act or by special order delegate any power or any duty under this Act, except the power of making rules or appointments, to the Civil Bill Court or to any Sub-Commission, or any member of the Land Commission, or any member of a Sub-Commission being a barrister-at-law or solicitor, and every Court, Sub-Commission, or member of the Land Commission or Sub-Commission to whom such power or duty shall be delegated, shall, in reference thereto, and subject to an appeal on matter of law to the Land Commission on and in such conditions and circumstances as may be prescribed, have all the powers of the Land Commissioners.

The Land Commission may, from time to time, with the assent of the Treasury, appoint fit persons possessing such qualifications as may be prescribed by the Treasury to investigate and report as to the existence or non-existence in the case of holdings of the preliminary conditions required to be proven for the purpose of orders under this Act and as to the values of such holdings, and the Land Commission may adopt any such report, or any part thereof, as may seem expedient, and may from time to time direct a fresh investigation to take place, or may themselves take evidence in respect of the subject matter of such investigation.

Any person or persons appointed in pursuance of this section may for the purposes of the investigation administer an oath.

The Commissioners of Her Majesty's Treasury may be represented on an inquiry under this Act by any person nominated by them for such purpose.

VI. In the case of any persons interested in any matter arising under this Act, the provisions of sections fifty-nine, sixty, and sixty-one of the Landlord and Tenant (Ireland) Act, 1870, as to administration on the death of a tenant, and as to provision for married women, and as to provision for other persons under disability, shall apply to any proceedings under this Act in the same manner as if the said sections were herein enacted, and in the terms made applicable to this Act.

VII. If in any proceedings under this Act any person concerned in such proceeding as principal or agent, with intent to substan-

tiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of any document, or of any fact, or produces, or is privy to the production of any false evidence, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be liable, in the discretion of the court, either to imprisonment for a term not exceeding two years, with or without hard labor, or to a fine not exceeding five hundred pounds.

Any sum paid by the Land Commission in respect of any false claim shall be a debt due to the Crown from the person on behalf of whom it is paid.

VIII. Any liabilities incurred by the Land Commission on account of payments to landlords in respect of arrears of rent under this Act shall be primarily a charge on the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund in such manner as may hereafter be provided by Parliament.

The Irish Church Temporalities Fund means the fund under the control of the Land Commission under the provisions of the Irish Church Act Amendment Act, 1881.

IX. The expression "landlord" in relation to a holding means, for the purposes of this Act, any person for the time being entitled to receive the rents and profits of such holding.

X. An application under this Act shall not be made by any landlord or tenant after the last day of December one thousand eight hundred and eighty-two, except by leave of the Land Commission, and in no case after the thirtieth day of April, one thousand eight hundred and eighty-three, and the Land Commission shall grant such leave only in cases where it is proved to their satisfaction that injustice would be done in case leave were refused.

XI. An order under this Act shall not be made in the case of a holding the tenant of which is possessed of two or more holdings in Ireland to which the Land Law (Ireland) Act, 1881, applies, and the valuation of which under the Acts relating to the valuation of rateable property in Ireland amounts in the whole to more than thirty pounds a year.

And the question as to whether the tenant of any holding in respect of which an application may be made under this Act is or is not possessed of such holdings as are in this section in that behalf mentioned may be investigated and reported on by any

person appointed under this Act to investigate and report on the preliminary conditions for an order under this Act.

XII. Where a holding, as defined by the Land Law (Ireland) Act, 1881, is not separately valued, but forms part of a larger parcel of land valued as one tenement under the Acts relating to the valuation of rateable property in Ireland, such holding shall be deemed to be a separate holding for the purposes of this Act, and to be valued under the said Acts at such proportion of the sum at which the whole of the said tenement is valued as the rent of the holding bears to the rent of the whole of the said tenement.

XIII. Where any proceedings for the recovery of the rent of a holding to which this Act applies, or for the recovery of such holding for non-payment of rent on account of the rent in respect of the year expiring as aforesaid and antecedent arrears, have been taken before or after an application under this Act in respect of such holding, and are pending before such application is disposed of, the court before which such proceedings are pending shall, if the provisions of section one, sub-section (a.), have been complied with, and on such terms and conditions as the court may direct, postpone or suspend such proceedings until the application under this Act has been disposed of.

XIV. Evidence required for the purposes of this Act shall, whenever practicable, be taken upon oath, and may be either oral or by affidavit, and affidavits of the landlord, or his agent, and the tenant may be accepted as prima facie evidence of all or any of the preliminary conditions or other matters.

Affidavits for the purposes of this Act may be taken and sworn before any person authorized by this or any other Act to administer an oath.

XV. Whereas by section fifty-nine of the Land Law (Ireland) Act, 1881, it is provided, that where it appeared to the Court, on the joint application, made on or before the twenty-eighth day of February one thousand eight hundred and eighty-two, of the landlord and tenant of any holding valued at a sum not exceeding thirty pounds a year, that the tenant had paid the whole of the rent payable in respect of the year of the tenancy expiring on the gale day next before the twenty-second day of August one thousand eight hundred and eighty-one, and that

antecedent arrears were due, the Land Commission might make in respect of such antecedent arrears an advance of a sum not exceeding one year's rent of the holding and not exceeding half the antecedent arrears, and thereupon the Court should by order declare the holding to be charged with the repayment to the Land Commission of the said advance by a rent-charge payable and calculated as in the said section mentioned :

And whereas in pursuance of the said section divers advances have been made in respect of the arrears of rent on divers holdings, and such holdings have been charged with the repayment of the said advances by such rent-charges as in the said section mentioned, and it is expedient to amend the said section : Be it therefore enacted as follows :

Where in pursuance of section fifty-nine of the Land Law (Ireland) Act, 1881, an advance has been made, before the passing of this Act, towards the payment of the arrears due in respect of any holding, and a rent-charge has been charged on such holding for the repayment of such advance, the Land Commission, if it is proved to their satisfaction on the application of either the landlord or the tenant of the holding that the tenant was, at the date of the said advance being made, unable to discharge the arrears in respect of which the advance was made, may by order cancel the said rent-charge, and the same shall cease to be payable, whether by the landlord or the tenant, as from the last day appointed for payment of the same next before the date of the order, and the amount of the said advance shall be a charge on the Irish Church Temporalities Fund.

XVI. Where it appears to the Land Commission, on the joint application of the landlord and tenant of any such holding valued at a sum not exceeding fifty pounds a year, that the tenant has paid the whole (or such sum as the landlord may be willing to accept in full discharge of the whole) of the rent payable in respect of the year of the tenancy expiring as aforesaid, and that the tenant has obtained a receipt in full for such rent, and that antecedent arrears are due, the Land Commission may make to the landlord, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half the antecedent arrears, and thereupon the court shall by order declare the holding to be charged with

the repayment of the advance to the Land Commission, by a rent-charge payable half-yearly on the first day of January and the first day of July during the thirty-five years from the date specified in the order, and calculated at the rate of five pounds by the hundred, by the year, of the advance.

The charge declared by the order as aforesaid shall have priority over all charges affecting the holding, except quit-rent and crown rent, and sums payable to the Commissioners of Public Works, and shall be payable by the tenant of the holding for the time being, and shall be levied and collected in manner hereinafter provided; and in the event of a tenant failing to pay any half-yearly instalment of the said charge for the space of twelve months after the same shall have accrued due, then and in every such case the amount of such instalments, together with the entire of the unpaid residue of such charge, with interest as ascertained by the Land Commission, shall forthwith be payable by the tenant, and the amount thereof shall be raised by the sale of the tenancy in the prescribed manner.

The half-yearly instalments of such charge shall be from time to time collected by the collector authorized to collect poor rate in the electoral division in which such holding is situate; and for the purpose of such collection every collector shall have all such powers and authorities as he shall for the time being possess for collecting and recovering poor rate, and shall and may collect and levy the same accordingly from the tenant liable to pay the same, notwithstanding that such tenant may not be liable to pay poor rate.

For the purpose of such collection the Land Commission shall, in each half-year, transmit to the clerk of every union, within which any holding or holdings charged as aforesaid shall be situate, a warrant under the seal of the Land Commission, setting forth the names of the tenants within such union liable to pay such charges or the instalments thereof, and the amount due by each respectively, and such warrant shall be judicially noticed in all proceedings in court, and shall be conclusive evidence of the arrears due by such tenants respectively, and of their liability to pay the same.

The collector shall be paid by the Land Commission such remuneration, not exceeding one shilling in the pound of his collection, as the Land Commission, with the consent of the Treasury, may

determine, and the clerk of the union may be paid such remuneration (if any) as the Land Commission may with the like consent determine.

Every such collector shall pay and account for the sums collected or collectable by him under this Act to the guardians of the union in which such holding is situate in the prescribed form; and the guardians shall transmit the amounts from time to time received by them as aforesaid to the Land Commission under the prescribed regulations.

In the event of such default by the tenant for the space of twelve months as aforesaid, it shall be lawful for the county court of the county in which the holding is situate, on the application of the Land Commission, to order a sale of such tenancy, which shall be sold, and the proceeds of such sale dealt with by the said county court in the prescribed manner.

If the proceeds of any such sale fail to realize the amount ascertained by the Land Commission as aforesaid, together with the cost of sale, the amount of the deficiency shall be paid by the landlord of the said holding, and shall be a charge upon his estate and interest therein, and shall be collected and levied in the prescribed manner: Provided, that on any transfer of the tenant's interest in the holding by sale, the principal sum and interest, if any, remaining due to the Land Commission, shall be paid out of the purchase money to the Land Commission.

On the order of the Land Commission being made as aforesaid in relation to any holding such antecedent arrears shall be deemed to be absolutely released.

The landlord and tenant may agree that any rent paid by the tenant in or subsequent to the year expiring as aforesaid shall be deemed, for the purposes of this section, to have been paid in respect of the rent due for that year, and not in respect of arrears of rent.

Where arrears of rent in respect of a holding are due to some person or persons besides the landlord the advance made under this section shall be rateably distributed amongst the persons entitled thereto.

An application for an advance under this section shall not be made after the periods mentioned in the tenth clause aforesaid.

The omission or refusal by either landlord or tenant of any holding to join with the other of them in obtaining a loan from

the Land Commission under this section shall not prejudice any other application or proceeding which either of them may make or institute under this Act or the Landlord and Tenant (Ireland) Act, 1870, or the Land Law (Ireland) Act, 1881, in relation to such holding.

The Land Commission shall, at such time after the expiration of each period of twelve months as the Treasury may from time to time appoint, make up an account showing for the said period of twelve months the amount of all such payments due to them in respect of rent charges payable to them under this section as they have failed to recover at the expiration of the said period.

Whenever, in the case of any tenant evicted for non-payment of rent, or in case the holding of the tenant has been sold and purchased by the landlord and possession taken thereof by him, since the first day of May one thousand eight hundred and eighty, the landlord agrees to reinstate such tenant on the terms in this section set forth, this section shall apply as if such tenant had not been so evicted from his holding.

XVII. Where, in the case of a holding of which any person is owner, antecedent arrears of rent due in respect of any year or years, or portion of a year, have been extinguished in pursuance of this Act, and any public charge or tax accrued during such year or years, or portion of year or years, is due from such person as or in consequence of his being owner of such holding, then, on proof to the satisfaction of the Land Commission that the owner has, during such time as aforesaid, received no rent, or an amount of rent less than the full rent, such public charges or taxes shall, if no rent has been received, be wholly remitted, and if an amount of rent less than the full rent has been received, be remitted in proportion to the amount of rent not received.

Where a person has paid any public charges or taxes which, if not paid, would be remitted under this section, the amount which would have been so remitted, shall be allowed as a deduction from any future payment or payments of the public charges or taxes of the same description, or may be recovered as a debt from the authority to whom it may have been paid.

Any payment which an owner may receive under this Act in respect of arrears of rent shall, for the purposes of this section, be taken into account as rent.

The Land Commission shall ascertain, for the purposes of this

section, in such manner as they think best calculated to ascertain the truth, the amount of public charges or taxes due in any year or portion of a year from a person as, or in consequence of, his being owner of a holding.

“ Public charges or taxes ” means tithe, rent-charge, payable to the Land Commission, income tax, quit-rent, or any of such charges or taxes.

PART III.

Emigration.

XVIII. From and after the passing of this Act, the board of guardians of any union in Ireland are authorized to borrow money for the purpose of defraying, or assisting to defray the expenses of the emigration of poor resident within their union, or any electoral division thereof, in manner provided by the Poor Law Amendment (Ireland) Act, 1849, as amended by subsequent Acts, subject to the following modifications; (that is to say),

- (1.) The provisions of the said Act in relation to the repayment of the advance by annual instalments shall not apply;
- (2.) The advances may be made by the Commissioners of Public Works out of any moneys granted to them for the purpose of loans in place of the Public Works Loans Commissioners;
- (3.) Every such advance made by the Commissioners of Public Works shall bear interest at the rate of three-and-a-half per centum per annum, or at such other rate as the Treasury may from time to time fix, in order to enable the advance to be made without loss to the exchequer;
- (4.) Every such advance made by the Commissioners of Public Works, and the interest thereon, shall be repaid within such period from the date of the advance, not being less than fifteen years, nor more than thirty years, as the Treasury may from time to time fix.

For the purposes of this Act, the Poor Law Amendment (Ireland) Act, 1849, means the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter one hundred and four.

XIX. If at any time the Commissioners of Public Works in

Ireland certify that any sum remains due to them from the board of guardians of any union on account of any loan or advance made under this Act, and is then payable to the Commissioners, the Local Government Board shall, by order under their seal, require the guardians of the union to pay the sum so certified, and shall send copies of such order to the board of guardians and to the treasurer of the union; and thereupon the treasurer of the union shall, out of any money then in his hands to the credit of the guardians, or if such money is insufficient for the purpose, then out of all moneys subsequently received by him on account of the guardians, pay over the amount mentioned in the order to the Commissioners of Public Works. The guardians of the union shall debit the several electoral divisions with such proportions of that sum as may be payable by such electoral divisions respectively.

XX. The Treasury may from time to time authorize the Commissioners of Public Works to make, subject to the regulations of the Treasury, grants to the board of guardians of any union, or such other body or persons and on such terms as the Lord Lieutenant may approve for emigration purposes.

The moneys so granted shall be applied in accordance with the said regulations for the same purposes as moneys borrowed under the provisions of this Act.

The sums granted by the Commissioners of Public Works shall not exceed one hundred thousand pounds in the whole, and the sums granted shall not exceed five pounds per each person.

Such grants shall only be made for the benefit of the unions mentioned in the second schedule to this Act, and of such unions or electoral divisions as may from time to time be settled by the Local Government Board, with the consent of the Lord Lieutenant: Provided that such unions are situate wholly or in part of some county specified in the schedule to the public notice issued by the Commissioners of Public Works in Ireland, on the twenty-second day of November, one thousand eight hundred and seventy-nine, that is to say, the counties of Donegal, Clare, Cork (West Riding), Kerry, Galway, Leitrim, Mayo, Roscommon, and Sligo.

Each grant shall only be made on the recommendation of the

Lord Lieutenant, stating that the Lord Lieutenant is satisfied that the guardians of the union are unable, without unduly burdening the ratepayers, to make adequate provision, by borrowing under the powers conferred upon them by this Act, or otherwise, for the emigration purposes of the union, and that proper arrangements have been made for securing the satisfactory emigration of such persons.

The money required for the purpose of grants under this section shall be paid by the Land Commission to the Commissioners of Public Works, and shall be part of the liabilities of the Land Commission, and be a charge primarily upon the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund, in such manner as may be provided by Parliament.

XXI. The Lord Lieutenant may from time to time make provision that arrangements shall be made for securing the satisfactory emigration of persons for whom means of emigration are provided under this Act, by prescribing rules in relation to such matters, and for the employment of special agents for that purpose, and otherwise as he thinks expedient. And any grants made under this Act for emigration purposes shall be applicable to defraying the expenses of such arrangements in such manner as the Lord Lieutenant directs.

XXII. In addition to the three persons named as commissioners in the Land Law (Ireland) Act, 1881, the Right Honorable the Viscount Monck is hereby constituted a member of the Irish Land Commission, at a salary of three thousand pounds a year, and for the term of two years from the passing of this Act.

Save as aforesaid, the provisions of the Land Law (Ireland) Act, 1881, which relate to the members of the Irish Land Commission, other than the Judicial Commissioner, shall apply to the said the Right Honorable the Viscount Monck, and to every person appointed, as hereinafter provided to a vacancy in his office, as if he had been named in the said Act a member of the Land Commission other than the Judicial Commissioner.

If and so often as during the said term of two years any vacancy occurs in the office of the said the Right Honourable the Viscount Monck by the death, resignation, inability to act, or otherwise, of the said the Right Honourable the Viscount Monck, or any person appointed in his place, Her Majesty may by war-

rant under the sign manual appoint some fit person to fill such vacancy ; but the person so appointed shall only continue in office until the expiration of the said term of two years ; Provided that any act or matter which under the said Act shall be done or performed, or may be done or performed by three Land Commissioners sitting together, shall and may after the passing of this Act be in like manner done or performed by three of the Land Commissioners.

XXIII. The Land Commissions hall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters, or any of them :

(1.) The tribunal, whether Land Commission, civil bill court, sub-commission, or member of the Land Commission or a sub-commission by which such applications are to be heard :

(2.) The mode of making applications under this Act, and the manner in which the tenant shall set out any property or effects of which such tenant may be possessed or entitled to, and which would be applicable to the satisfaction of any arrears of rent, and the conduct of proceedings before any tribunal hearing applications under this Act :

(3.) The conditions and circumstances on and in which appeals may be had to the Land Commission where applications have not been heard by the Land Commission :

(4.) The mode in which the expenses of hearing any application under this Act or of any appeal are to be defrayed.

(5.) The attendance and discharge of duties by the officers of civil bill courts before the Land Commission and sub-commissions when holding sittings under this Act :

(6.) The service of notices on persons interested, and any other matter by this Act directed to be prescribed :

(7.) The mode of collecting, suing for, recovering, and accounting for charges and instalments of charges, and the procedure for the sale of tenancies to raise the amount of such charges, and for dealing with the proceeds of such sales under this Act :

(8.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to

the Land Commission expedient to make rules for the purpose of carrying this Act into effect.

Any rules made in pursuance of this section shall be of the same force as if enacted in this Act, and shall be judicially noticed.

XXIV. This Act may be cited for all purposes as the Arrears of Rent (Ireland) Act 1882.

INDEX.

- A** BSENTEES, their number, 5; money by, taken from the country 7-9; rents of—sometimes reasonable, 10.
- Absenteeism, an old evil, 6; laws against, 6; causes of, 6-7; its evils, 7; Prior on, 7; disturbances attributed to, by Mr. Vandeleur, 8; a tax on, proposed, 8; disadvantages of, 8; its effect on a community, 8; more common and injurious in the West, 9; regarded by the people as a great grievance, 11; increased by the recent agitation, 11; how to diminish, 12.
- Act, the Arrears of Rent, see Arrears of Rent.
- Act, the Coercion, applied, 162 et seq.; P. J. Smyth on, 162-3; see also Coercion.
- Act, Educational, of 1870, 292.
- Act, the Land, of 1881, 151; does not apply to certain holdings, 155; ability of tenant to contract himself out of, 155; a radical measure, 159; see also Land Law.
- Act, Prevention of Crime, see Prevention of Crime.
- Adams vs. Dunseath, 228.
- Agents, Land, greatly censured, 13; functions of, character and duties, 14.
- Agitation, the recent, causes of, 99; the land, undertaken by the Fenians, 104-8; increases, 118-19; flourishes in the West, 118; is taken up by Parnell and the more active Home Rulers, 119; increased by rejection of Disturbance Bill, 136; the violent, censured, 167-78; necessary, 177; for improvement of the laborers' condition, 274.
- Agitator, an, on the outrages, 184.
- Agrarian Outrages, 76 et seq., (see also Outrages).
- "Agrarian War, The Irish," quoted, 78.
- Agricultural holdings, 260.
- Agricultural machinery improved by enterprising landlords, 9.
- Alien Act, revival of, 203; text of, 432.
- "Alien," the, a government, 296 et seq.
- "Alliance, The," 81.
- American competition, 212.
- Americans contribute to the relief of distress in Ireland, 128, 130, note.
- Appeal, Court of, 157.
- Appeal, to Land Commission, 157; to Court of Appeal, 157.
- Arnold, Matthew, on Irish education, 291; on English lack of sympathy, 307.
- Arrears of rent, 82; must be paid, 151; not adequately pro-

- vided for by the Land Act, 175; Parnell on, 189-190; provisions for, 200-209; how settled, 438; by gift, 438; by loan, 445.
- Arrears of Rent Bill, introduction of by Gladstone, 190; Parnell's connection with, 190; provisions of, 209-211; discussion of, 211-214.
- Arrears of Rent (Ireland) Act, 1882, text of, 436, et seq.; analysis of, 436-7.
- Assassination of Lord Cavendish and Mr. Bourke, 195; motives for, 195-6; sorrow and indignation on account of, 197-9.
- BAILIFFS**, 12, 131, 139.
- Banks, deposits in, 233, 279.
- Bankrupt, landlords, 4; tenants, 18.
- Baconsfield, Lord, dissolves Parliament, 131; attacks Mr. Gladstone, 132; on Home Rule, 135; Parnell on the policy of, 135.
- Begging discouraged by the priests, 21.
- Belfast Harbor Board, 300: the business men of, on Home Rule, 313.
- Belmullet Union, 261.
- Bennett, James Gordon's efforts to relieve distress in Ireland, 128, 130 (note).
- Bessborough Commission quoted, 98, 269.
- Biggar, character of, 113; on physical force, 116; speech of at Mayborough, 123; opinion of outrages, 124; plan for Sundayafternoon meetings, 125; prosecuted for seditious conspiracy, 137.
- Blake, murder of, 184.
- Board of Public Works, 97; reclamation of land by, 252.
- Boards of Guardians, power of to borrow money for emigration, 265.
- Bo g, reclaimed commission, 250; extent of, 250; mode of reclaiming, 250.
- Bourke on emigration, 264-5.
- Boycott, Captain, experience of, 145-7; the Emergency men, 145-6; has become quite popular, 146.
- Boycotting, 183; urged by a priest, 137; a crime, 200-1; in Tipperary, 223-4; terrors of, 223-4; defended by Mr. Dillon, 224.
- Brehon Laws, their origin, 26; general theory of, 26-7 Sir Henry Maine on, 27; declared illegal, 28.
- Brennan, 117, 126, 137, 171, 308.
- Bright, John, a friend of Ireland, 87; advocates reforms of land laws, 87; on outrages, 87, 143; clauses, 94 et seq.
- Burke, Edmund, 72.
- Butt, Mr. Isaac describes important evictions, 64-66; leader of the Home Rule party, 110, 114.
- CARRAROE**, bloody encounter, 131.
- "Carding," 77.
- Castle, the, 301.
- Castlebar, Land League, organized at, 121.
- Catholics, 298; attitude of toward the National Schools, 289-291.
- Cavendish, Lord, appointed Chief Secretary, 194; assassinated, 195; character of, 196.
- Celtic land system, 26; language, 293.
- Central Tenants' Defense Association, 117.
- Chiefs, elected, military leaders, &c., 20; become landlords, 28.

- Chief Secretary, the, should he be an Englishman? 304.
- Church, disestablishment of, 88, 194; Temporalities commissioners, 94; lands, how disposed of, 94.
- Church Temporalities Fund, 212.
- Civil service, English and Irish, 301-302.
- Clerkenwell explosion, the, 147.
- Clifden Union, 261.
- Coercion Act, the, of 1881, 147-49; arrests under, 183; opposition to, 199; Forster's use of, 190-91; destroys open agitation, 190; permits the Ribbonmen to flourish, 191.
- Colleges, the Queen's, 286; Catholic, 287; the General Assemblies, 287.
- Commerce, 281.
- Communal system of the Celtic tribes, 26.
- Communal ownership, Celtic, traditions of, 27.
- Communitistic theories received with favor in Ireland, 26; attributed to French and American influences, 26; to Celtic traditions, 26.
- Commission, special, 406.
- Commission, the land, constitution and powers of, 157-58; may advance money to tenants for the purchase of holdings, 156; may purchase estates, 156.
- Compensation, claimed and granted under act of 1870, 90-93; for injuries, 202; for improvements by act of 1860, 85; by act of 1870, 88-89; by act of 1881, 154-55.
- Conciliation, policy of, adopted, 186.
- Confiscations, traditions of, 297; advocated by Fenians, 104.
- Constabulary, 308.
- Contract, made the basis of the relation between landlord and tenant, 62; freedom of between landlord and tenant impossible, 85; R. Barry O'Brien on, 85, 86.
- Cottages, laborers, 269-273.
- Court of Appeals, decision of in case of Adams vs. Dunseath, 228.
- Court, the county, a land case in, 89; of appeal, 157.
- Court, intervention of under land law of '81, 365.
- Court, the civil bill, 156.
- Court of special commission, 199-200.
- Court, the encumbered estates, 4; the Irish, 90; distrust of, 92; too English, 303.
- Cowper, Lord, 186.
- Crawford, Mr. Sharman's plan for reform, 81.
- Cromwell, 297.
- Crooke, Archbishop, on the no-rent manifesto, 334; on the platform of the Land League, 335; on the situation in 1882, 338.
- Crops, failure of, 100; statistics, 101.
- Curfew clause, 412.
- D**ALKEITH, Gladstone's speech at, 132.
- Damages for outrages, effect of levying, 222-3.
- Damages for injury or murder, power of the Lord Lieutenant to assess, 202.
- Damages for murder, maiming, or injury, how assessed, 417.
- Davis, Sir John, on high rents, 50.
- Davitt, Secretary of Land League, 126; speech at Gurtun, 124; Radical utterances, 124; on improvements, 228; speech at Milltown, advice to

- tenants, 121; plan of for the nationalization of the land, extract from Liverpool speech, 341; scheme of, for nationalizing the land, 248.
- Davitt, Michael, 117; first lessee in the land question, 107; heads the Fenian new departure, 106.
- Deception to avoid the payment of fares, 368.
- Democratic Association the, 81.
- Democratic rotation in office, 302.
- Desmond, Earl of, 297.
- Devoy, John, advocates the Fenian new departure, 106; writes to "The Freeman's Journal," 106.
- Dillon, prosecuted for seditious conspiracy, 137; arrested, 172; defends boycotting, 224; on Irish education, 291; on the labor question, 277; released, 186; in America, 127.
- Disestablishment Act, 88.
- Distraint for rent, 60-1.
- Distress, law of, in Ireland, 28; in Ireland in 1879 discussed in Parliament, 118-19; described by committees, 73; by Mr. Nimmo, 73; by the Devon Commission, 73; causes of, 74-5; attributed by the people to the land system, 75; sometimes the fault of the people, 75; in Ireland in 1880, 129; described by Mr. Sullivan, 129-30.
- "Disturbance Bill," 135; rejected by the Lords, 135.
- Distress, chronic, 72 et seq.; described by Spenser, 72; causes of, 72.
- Disturbance, compensation for, 364; compensation for, by Act of 1870, 88; compensation for, under Act of 1881, 154.
- Downshire, Lord, 2.
- Dufferin, Lord, on Leases, 35.
- Duffy, Charles Gavan, 81.
- Dun, Finlay, on rent raising, 48; on the reclamation of waste land, 251.
- Dwellings, improvement in, 23; wretched, clung to by occupants, 69-70.
- E** DUCATION, 283-295; ancient Irish, 285; effect of penal laws on, 285; institutions for, 286-90; progress in, 290-95; compulsory, desirability of, for Ireland, 291.
- Egan, Patrick, prosecuted for seditious conspiracy, 137.
- Egan, Patrick, 173.
- Ejectment for non-payment of rent, 61.
- Elizabeth, Queen, 76.
- Emergency men relieve Captain Boycott, 146.
- Emigration, the suggestion of, causes indignation, 70; provisions of Arrears of Rent Act for, 449; opposition to, 255-7; necessity for, 259-265; Mr. Bourke on, 264-5; Mr. Tuke's fund for, 265; legislation for, 265-6.
- Emancipation, Catholic, 1.
- Encumbered Estates Court, its purpose and powers, 4; unsuited to Ireland, 85; operations of, cause increased irritation, 84; purchasers in, affected by Land Law of 1881, 159.
- "English-managed" estates, 38.
- English Land Laws, made more severe for tenants in Ireland, 28; Judge Longfield on, 28-9.
- English element in Ireland, 310.
- Entail, law of, 3.

- English administration, objection to, 306.
- Encumbered Estates Court, increases the number of land owners, 5.
- Episcopalians, 290.
- Estate, rules of, a cause of complaint, 15.
- Estates, size of, 2.
- Evicted tenants, general sympathy with, 63-68; huts erected for, 68; assisted by Ladies Land League, 68; farms, perilous to take, 142; provisions for, under arrears of Rent Act, 210; rights of, under Arrears Act, 440.
- Eviction, for non-payment of rent, 61, et seq.; the association for, 234; under the Act of 1881, 235; opposed by the Land League, 122; Davitt on, 126; to be prevented by the "Disturbance Bill," 135; ground for, 153.
- Evictions, expensive to landlords, 69; in 1880, 130; Mr. Sullivan on, 130-1; statistics of, 70-71; effect of law of 1860 on, 62; of laws of 1870 and 1881, 63; the Irish view of, 63; the cause of outrages, 63; important, described, 64; attempted, followed by disastrous results, 183; Irish dread of, 64; described by Mr. Butt, 64-66; by Bishop Nulty, 66-67; attended by great hardship, 64-67; in 1879, 103; not stopped by Act of 1870, 93.
- Extravagance, of Irish, 102; danger from, 231.
- FS**, the three, 116.
- Famine of '47, 4; of '47, 64; of '47, 73; of '47 recalled, 103; in Ireland in 1880, 129; threatened, 127,
- Fair rents, number of fixed, 225; how fixed, 365; fixed without litigation, 315.
- Fawcett on peasant proprietors, 246; Prof. on compulsory education for Ireland.
- Farming, careless, 19.
- Fenians, principles of, 104; objects, etc., 104; land scheme, 104-5.
- Fees for entering Land courts, 229.
- Fisheries, 281.
- Fenianism and the outrages, 141.
- Fenian, the organization and disestablishment, 121.
- Fenianism, languishes, 105; takes a new departure, 106.
- Fenians, the and advanced Home Rulers, 114.
- France, peasant proprietors of, 105.
- Freeman's Journal, discussions in on the land agitation, etc., 114.
- Forster, resigns, 186 et seq.; on the condition of Ireland, 187-8; O'Shea's interview with, 188-9; resignation of in Ireland, 191-2; character of, 191-2.
- Franchise, the 40s. leasehold, effect of its abolition, 35.
- Free trade in land, 85.
- Freeman's Journal, the, publishes O'Brien's letter, 218; on the release of the suspects, 191.
- French law in regard to improvements based on the Roman, 38.
- GALE**, the hanging, 55.
- Gales, the hanging two, 287.
- General Assemblies, the Theological college, 287.
- Gladstone charged with en-

- couraging violent agitation, 147; on the necessity of giving relief to Parliament, 133-4; on Home Rule, 133; on the "Kilmainham compact," 188; announces a new policy, 186; denounced in the no-rent manifesto, 330; on local government, 335; familiarity of with Irish affairs, 307; on transfer of land, 249; on the Land Law of 1881, 158; on leaseholders, 238; denounced by Parnell, 170; denounces Parnell, 169; popular in Ireland, 168; good expected from his reforms, 164; on the condition of Ireland in Feb., '82, 185; statement of in regard to the Kilmainham letter, etc., 187; attacked by the Conservatives, 187; on the Arrears of Rent Act, 211; to exert a more direct influence on Irish affairs, 194; censured for the peace policy, 197; introduces the Prevention of crimes Bill, 198; found fault with for discussing Home Rule, ; espouses the Irish cause, 132; at Dalkieth, on disestablishment, 132; on the influence of Fenianism, 132; on disestablishment, 88; second great measure of reform, 88.
- Glengariff, 165-6.
Parish, priest of 166.
"Gombeens, 49; men, 213.
- Gray, E. D., imprisonment of, 217, 219.
- Grand jury system, 300; a real grievance, 301.
- Grazing, holdings consolidated for, 84; farms, increase of, 257-8.
- Griffith, Sir Richard, 59.
- Grazing farms, agricultural holdings turned into, 65.
- Gray, E. D., on the arrest of Parnell; moves to confer the freedom of the City of Dublin on Parnell and Dillon, 181.
- Grazing farms excepted by Oct. of 1881, 155.
- Griffith's valuation demanded as a standard of rents, 59; valuation advocated as the standard for rents by the Land League, 122; valuation claimed as a basis of rent, 165.
- H**ARDENBURG, 105.
Hadrian, IV., 296.
- Hancock, Dr. Nelson, 279; on compulsory education, 291.
- Healy in America, 127; attacks the grand jury system, 301; on land bill of 1881, 159.
- Henry, Mr. Mitchell's, place at Keylemore, 9; on the Fenian new departure and Home Rule, 115; on the prosperity of Belfast, 300; on the reclamation of waste land, 251, 253; on rents, 46.
- "Herald," New York, relief fund, 128, 130 note.
- Henry, Mitchell, quoted by P. J. Smythe, 163.
- Henry VIII. confiscates estates of absentees, 6.
- Henry II., 296.
- Holdings, great number of very small, 296; tenant of allowed to will his interest, 151; general appearance of, 19; number and size of, 17; small, could be consolidated with profit, 39.
- Home Government Association, 109.
- Home Rule, Lord Beaconsfield on, 134; agitation for, 1; Gladstone on, 133.

- Home Rulers support the Liberals in 1880, 135.
- Home Rulers and distress in Ireland, 118, 119.
- Home Rule, 311; distrust of in England, 313; various opinions on, 311, 314; Justin McCarthy on, 311; Parnell on, 312; O'Conner Power on, 312; A. M. Sullivan on, 312; the business men of Belfast on, 313.
- Home Rule Party, dissensions in, 116.
- Home Rulers, the moderate, 115; land platform, 116.
- Home Rule League organized, 110; undertakes reforms, 101; fails and is discouraged, 111
- Home Rule, 109, a seq.
- Home Rulers, 106.
- Home Rule Gains in 1880, 135.
- Home Rulers and Land League, 109.
- Houses, often poor, 20; description of, 20; improved character of, 23.
- Huts for evicted tenants, 68.
- Hynes, Francis, trial of, 217-220.
- I**LLITERACY, 290.
- Improvements, vary much in character, 19; sometimes not of value to the landlord, 39; sometimes more valuable than the fee, 39; English law in reference to, 38; made by the landlords, 52; how made, 53; prevented by fear of an increase of rent, 57; made by the tenant, 37-8; their value, 38-40; sometimes claimed by the landlord, 38; the tenant's, 89; compensation for, 90; compensation for, 88; compensation for by Act of 1860, 84; what are? 226-8; decision in reference to by court of appeals, 228; Lord Dufferin on, 227; compensation for, 365; in dwellings, 23; the property of landlord, 155; compensation for under Act of 1881, 154; compensation not allowed for certain, 155.
- Incumbrances on Irish estates, 95, 97.
- Indebtedness, increase of, 102.
- Independence, Ireland's, the object of the advanced Nationalists, 106.
- Interests, tenants', protected, 88; free sale of, 151; the tenants' discussed in Parliament, 158-159.
- Intermediate Education Act, 287; examinations, 288.
- Intimidation, Coercion Act of 1881 on, 148.
- Intimidation, definition of, 411, 200-201.
- Investments, 233.
- Ireland, attractive as a place of residence, 6; not desirable for English landlords, 6-7; in the summer of '81, 164, et seq.; indignation in, on account of the assassination of Lord Cavendish and Mr. Bourke, 198; the declining production of human food in, 258-9; in 1880, 129, et seq.
- Irish beggars, characteristics of, 21-22.
- Irish church, the, disestablishment of, 132.
- Irish chiefs, their power, 26; rack-renting of, 27.
- Irish, Parliamentary party, oppose the Prevention of Crimes Bill, 203; are suspended for obstruction, 203-4.
- "Irish people," the, quoted, 104.
- Irish Tenant League, 82-83.
- Irish political parties, tendency of to disintegration, 104.

- Irish tenants, industrious and frugal, 232.
- Irish, The Parliamentary party, 314.
- Irish school children, 292.
- Irish, the Language, 293 Society for the preservation of, 294.
- Irish people, the intelligence of, 284.
- Irish Labor and Industrial Union, the, 275-8.
- Irish Catholic Benevolent Union, 267.
- Irish chiefs converted into Irish landlords, 28.
- Irish landlords, their number and the size of their estates, 2.
- Irish question, centuries old, 1.
- Irish, Parliament, an, for local affairs, 115.
- Irish political parties, quarrels of, 82.
- Irish town, great meeting at, 117.
- "Irish World, The," the organ of the Fenian new departure, 106.
- JAMES I**, 76.
- Joyce Family, murder of the, 221.
- Jurors, special, 200.
- Juries refuse to convict, 143.
- Jurors, special, trial by, 408.
- Jury, trial by, opposition to taking away the right of, 205; distrust of, 205-6; Spenser on, 205-6; trial without, 199-200.
- KANE**, Sir Robert, on Irish laborers, 270.
- Kane, Sir Robert, 250.
- Kavanagh, 234-35.
- Kettle, secretary of Land League, 127.
- Kerry, outrages in, 216.
- Kcogh, 82.
- Kelp, 262.
- Keimaneigh Pass, incident at, 165.
- Kilmainham, compact, the, 185 et seq.; Parnell's letter from, 189.
- L**ABOR & Industrial Union, the Irish, 275-8.
- Labor, poorly paid, 271; the question, 268 et seq.
- Laborers' cottages and allotments, text of law in regard to, 403; how their condition can be improved, 278; agricultural, their number, condition, etc., 268-79; cottages, 268, et seq.; migratory, 262-3.
- Ladies' Land League, the, becomes prominent, 179; relieves suspects and their families, and evicted tenants, 180; assists evicted tenants, 68.
- Land Law (Ireland) Act, 1881, full text of, 353; analysis of, 353-6.
- Land Act of 1881, provisions of, for laborer's cottages, 273.
- Land Act of, 1870 enables tenants to borrow money, 102; unsatisfactory, 99; Bright, clauses of, 94; tenants complain of, 92; compensation claimed and granted under, 93; did not stop evictions; relief by, 90-93.
- Land case a in court, 89.
- Land, must be "free," 88; John Bright on, 87.
- Land laws, John Bright on, 87.
- Land laws, the of 1881 in Parliament, 158-161; Gladstone on, 158; Lord Salisbury on, 159; Parnell, Hurley and Charles Russell on, 159; the London Times on, 161; Land League view of, 168.
- Land Law of 1880, not satisfactory to Mr. Parnell, 174-5.

- Land law, drives Land League party to desperation, 185; the, goes into operation and is accepted by many tenants, 181; tenants not benefited by, 181-2.
- Land laws of 1860, 84; obstacles to transfer of, 3; "land robbers," 120, 126; system, faulty, 75; panic in price of, 5; value of in Ireland consists of three elements, 37, et seq.
- Land system, its tendency, 3.
- Landed estates court conveyance, 95.
- Landlord system, war against, 143.
- Landlords deeply in debt, 3; power to distrain, 289; good, 52; improvements made by, 52; Mr. Davitt on, 125; asked to reduce rents, 117.
- Land Agents, their functions, 13; greatly abused, their character and duties, 121.
- Land agitation, meetings described, 126.
- Land Bill, the, of 1881 amended by the Lords, 161.
- Land Commission, The, constitution and powers, 157-8; number of fair rents fixed by, 225; appeals to, 226; power of, under arrears of Rent Act, 209-210; powers of, under Arrears Act, 441; appointment and powers of, 390; new rules of, 315, note.
- "Land hunger," 28.
- Land Law of 1860, 62; results of operations under, 224; will greatly improve condition of tenants, 230; of 1870, 150; of 1881, 150; et seq.; of 1870, 63; of 1881, 63.
- Land, The, for the people, 344.
- Land Corporation, 234.
- Land Law Act of 1881, provisions of, for reclamation of waste land, 252.
- Land League, Ladies, 68; The National, not responsible for outrages, 141; encourages boycotting, 141; tenants punished for disobeying, 140; supreme in Ireland, 140; means of securing obedience, 140 1; courts and constables, 141; meeting, a priests speech at, 137; leaders prosecuted, 137; crimes attributed to, 136; in America, contributes for, 127; relief of distress in Ireland, 127; complaints against its methods of giving relief, 130; The, a relief organization, 127; oratory, specimens of, 123-126; The Irish National, formed, 126; the first organized, 121; its principles, 121-2; P. J. Smyth on, 162; the organizers and officers of, arrested 163; the, "is ruining the country," 167; leaders of, discredit the Land Act, 168; defended by Parnell, 171; proclaimed, 171; the leaders of, arrested, 1; the Executive of, issues the no-rent manifesto, 173; meetings, forbidden by the Government and abandoned by the people, 178; party the, driven to desperation, 185; the broken up 179; power of, broken by Mr. Forster, 192; Archbishop Crooke on, 335; text of the Government Proclamation of, 332; charter of, 319; objects, 319; conditions, 321; declaration of principles, 322; no-rent decree of, 182;
- Land System, founded on robbery &c., 107; Devoy's opinion of, 107.
- Land, the land question the

- basis of agitation, 106.
 Land-robbers, 104.
 Landlord system and the Land League, 121-2; and tenant in court, 89.
 Landlords, old and new, 84; enterprising a great advantage to the country, 9; often of different race, rank, religion, &c., from tenant, 7, 10; their absence from the country a loss, 8.
 Landowners, number of, 2.
 Landlord's power to evict, 30; opposition of to arrears of rent bill, 212-13.
 Landlord and tenant, war between, 144.
 Landlords grant leases to get votes, 33; right of to purchase tenancy, 151; in distress, 165; improvements appropriated by the tenant, 167; the right of under the Ulster custom, 45; often unjustly blamed, 75.
 Landlord often allowed the tenant to sell his interest, 142; could appropriate tenants' interests, 42.
 Landlords' interests, 37; titles disputed, 37; forbearance of, 55; interests, Davitt on the value of, 346; willing to sell, 249.
 Landlordism, Parnell on, 325.
 Landlords' interests, value of, different opinions respecting, 245.
 Land system, Celtic, 26; question, importance of, 1; owners, their number increased through the encumbered estates court, 5.
 Law favorable to the landlord, harsh toward the tenant, 28-31.
 Law, Irish, distrust of, 31.
 Laws, Penal, 72; against manufactures and commerce, 72.
 Law, of distress, 60; ejectment or eviction, 61 et seq.
 Lawson, Judge, sums up a land case, 90; on "moonlighting," 216-217.
 Leases, advantages of, 35; long, common, 12; Lord Dufferin on, 35; judicial, 368; power of the court to break, 376; reason for their increase, 33; granted to Catholics, 33; granting of encouraged, 84; long, often granted by absentees, 33; set aside by act of 1881, 155.
 Leaseholders, dissatisfied, 237; Parnell on, 238; Gladstone on, 238.
 Lecky, 235.
 Leeds, Gladstone's speech at, 169.
 Lexington, the, of the agrarian revolution, 131.
 Lewis, Sir George Cornwall referred to, 79.
 Liberal victory in 1880, 135.
 Liberals, the English, take up the Irish cause, 88.
 Liberals, attitude of, toward Irish affairs, 316.
 Litton, Edward Falconer, Land Commissioner, 157.
 Limerick, Parnell's speech at, 123.
 Local Government Board, report of, quoted, 102.
 "London Times," the, on Land Law of 1881, 161.
 London warehouses, 116.
 Lord Lieutenant, powers of, under Coercion Act of 1881, 148-9; special powers of, under Prevention of Crimes Act, 199-202; the present, 306; his use of the Coercion Act Censured, 164.
 Longfield, Judge, on English landlaws in Ireland, 28-9.

- Lords, the house of reject the "Disturbance Bill," 135; House of, Amend the Land Bill of 1881, 161; House of amends Arrears of Rent Bill, 214.
- Lornton, Lord, 79.
- Lough Mask, the home of Captain Boycott, 146-7.
- Lowther, on distress in Ireland, 119.
- MCCABE**, Archbishop on the no-rent manifesto, 179.
- McCabe, Cardinal, on the no-rent manifesto, 333.
- McCarthy, Justin, on Home Rule, 311; on Distress in Ireland, 118.
- McCutchan, Rev. Mr., 58.
- Machinery, agricultural, 9.
- Machinery, labor saving, opposition to, 272.
- Magistrates, resident of, to summon witnesses, etc., 202.
- Maine, Sir Henry, on the Celtic Tribe, 27.
- Manchester, the rescue, 147.
- Manifesto, the No Rent, 173-4.
- Mansion House Relief Committee, 130.
- Mansion House Committee, the, 235.
- Manufacturers, 280.
- Markets for produce, poor in the West, 10; Mr. Tuke on 10.
- Marlborough, Duchess of, Relief Committee, 130.
- Maynooth College, 287.
- Melbourne, Lord, on Irish distress, 80.
- Middlemen, Character of, 11; more exacting than landlords, 11; many ruined by hard times, 13.
- Migratory, laborers, 262-3.
- Mill, John Stuart, on the Irish land system, 321.
- Milltown, great meeting at 121.
- Mineral wealth, 281.
- Monck, appointed Land Commissioner, 211; Viscount, appointed Land Commissioner, 451.
- Moody and Sankeyism, political, P. J. Smyth on, 163.
- "Moon-lighters," 77; trial of, 216.
- Moore, adaptation of one of his poems, 192.
- Murphy, 270.
- NATIONALIST PARTY**, the advanced, its objects, 106.
- Newspapers, power of the Lord Lieutenant to seize, 202; much read in Ireland, 293; educating influence, 293; the Irish, 284.
- "No-rent" army, the, 184; movement, the, 208; manifesto, the issued, 173; manifesto, a fierce, 184; manifesto, Cardinal McCabe on, 333; Archbishop Croke on, 334; the manifesto, text of, 328; agitation, 236; manifesto, the circulated, 177; manifesto, the obeyed, 182.
- Nulty, Bishop, describes an eviction, 66.
- O'BRIEN**, R. Barry, on freedom of contract, 85, 86.
- O'Brien, W. Smith, arrested, 172.
- O'Brien, Mr. Murrough, 95.
- O'Connell, in contrast with Parnell, 169.
- O'Connell, Rev. Mortimer, 269.
- O'Donnell, H. F., on districts in Ireland, 118; on Devoy's letters, 115; an obstructionist, 114.
- O'Hagan, Sargeant, Land Commission, 157.

- O'Kelly, released, 186; arrested, 172.
- O'Shea, Captain, negotiations of with Parnell, Forster and the government, 189; interview of, with Mr. Parnell, and with Mr. Forster, 188-9.
- Obstruction, by Mr. Parnell and his followers, 112; censured in England and by Moderate Home Rulers, 114; lauded by extreme Irishmen, 116; 159; of the Prevention of Crimes Bill, 263-4; 314.
- Occupancy, Tenant's right of, its basis, etc., 40.
- Orange Institute, 146.
- Orangemen, 146.
- Outrages, caused by evictions, 63; opposed by the leaders of the League, 147; Mr. Bright on, 143; who committed? 141-2; effect on the community, 142; produce a reign of terror, 142-3; increase in '79, 103; an agitator's view of, 184; agrarian statistics of, 309; in '80 and '81, 139; increase of, 139; savage character of, 139'40; reported at spring assizes '82, 185.
- Outrages, the Land League will help prevent, 188-9; prevented by fear of damages, 222-3; not stopped by the Prevention of Crimes Act, 221; diminishing, 221-2; character of, 222; how planned and paid for, 222; number of in August, '82, 221, note; sometimes caused by poverty, 75-6; in the time of Queen Elizabeth, 76; James I., 76; seventeenth century, 77; as Whiteboys, 77-79; attributed to the Land League, 136.

PAINÉ, Thomas, 248.

- Parnell in favor of supporting the conservatives, 135; in America, 127-8; speech to his constituents on the land question, 123; released, 186; appeal to the Irish race, 324; on the labor question, 275-7; on the value of the landlord's interest, 247; on the land law of 1881, 159-60; quoted by Mr. Pigott, 160; on the land law, 168; on reductions of rent, 168; denounced by Gladstone, 169; contrasted with O'Connell, 169; on rents, 170; replies to Gladstone, 170; defends the land league, 170; arrested, 171; indignation at the arrest of, 172, *et seq.*; on the land law, 174; his purpose in opposing, 174-5; indignation at the arrest of,—meetings and resolutions, 177; riots in consequence of, 178; censured by Irishmen, 181; a motion to confer the freedom of Dublin on, lost, 181; trusted by Irish tenants, 182.
- Parnell's speech at Limerick, non-payment of rent, 123; speech at Westport, advises the tenants, 120; to keep a firm grip on their lands, &c., 120; and the moderate Home Rulers, 116; Charles Stewart's early life, &c., 111; enters public life, 112; member for Meath, 112; becomes an abolitionist, 112-13; prosecuted for seditious conspiracy, 137; address to the Irish race, 127; denounces landlords, 136; urges resistance to payment of rent and to eviction, 136; letter of, from Kilmainham, 189-90;

- on the distress in Ireland, 118; asked by Davitt to take charge of the agitation, 118; adopts Davitt's plan, 119.
- Parliament, necessity of relief for, 133-4; discussion in, of Land Bill of 1881, 159; Irish agitator's view of, 176, members of, arrested, 171-83.
- Paupers, cost of maintaining, 261.
- Pauperism, statistics of, 102.
- Peasant Proprietors, 94; created by church disestablishment act, 94; by land act of 1870, 94, et seq, 240 et seq, under disestablishment act, 240; under the Bright clauses, 242.
- Peel, Sir Robert, quoted, 318.
- Penal laws, 63, 72, 297.
- Petty, Sir William, on the value of tenant's interests, 41; on rents, 50.
- Pigott, Richard, quoted, 137.
- Pigott, Richard, quotes Mr. Parnell on the Land Law of 1881, 160.
- Playfair, Dr. Lyon, names Irish members for obstruction, 203-4; on Irish Education, 291; on the Declining Production of Human Food in Ireland, 258.
- Police attend Process-servers, 139.
- Police and soldiers, members of a grievance, 308.
- Politeness among Beggars, 21.
- Politeness found everywhere, 22.
- Politeness.—A. M. Sullivan on the politeness of Irish-Americans, 22.
- Politics, practical, 132.
- Poor-rates, after '47, 4.
- Population of Ireland, 258.
- capacity of Ireland for sustaining a larger, 259.
- Potato Crops in Ireland, 101.
- Post-office, a parish without a, 166.
- Poverty, assumed, 56.
- Poverty, 260.
- Poverty, chronic, 72.
- Power, Mr. O'Connor, an Obstructionist, 114; on Distress in Ireland, 119; on Home Rule, 312.
- Presbyterian Synod of Ulster on Tenant Right, 82.
- Presbyterian General Assembly, address of, to the Lord Lieutenant (text), 336.
- Presbyterians, 290, 299; on Home Rule, 314.
- Presbyterian College, 287.
- Prevention of Crimes Act in operation, 215, et seq; specimen cases under, 216-221; Bill introduced into Parliament, 197; great opposition to, 199, 203-4; provisions of, 199-203; (Ireland) Act, 1882, text of, 404; analysis of, 404-406.
- Prevention of Crimes Act, 298.
- Priests and the agitation, 137; a priest quoted by Mr. Pigott, 137; opposition to emigration, 257; the and Land League, 179.
- Primogeniture, law of prevents a general distribution of land, 3.
- "Process," the, Mr. Sullivan on the, 131.
- Property Defense Association feared by Catholics, 145.
- Protestant Clergy, 65.
- Protestants, 298; attitude of toward the national schools, 289.
- Property Defense Association, 144.
- Protestant tenants murdered, 79.
- Purchase-money advanced, 94-97.
- Purchase clauses of Act of 1870,

- 94; a failure, 95 et seq.; of Act of 1881, 156; of the Land Act of 1881, 378; demand for their extension, 244.
- QUINN** arrested, 171.
- RACK RENTING** opposed by the Land League, 122.
- Railway travel, an incident of, 56-58.
- Reclamation of waste land, an improvement, 155; of waste land provided for, 156.
- Real estate interests, cheap and simple mode of transfer, 44.
- Reclamation of bog, 90; run to waste, 19; of waste land, money advanced for, 384; of waste land, 250; Mitchell Henry on, 251; E. V. Stoney on, 251-3; legislation respecting, 252-3; Richard Kelley on, 254; will it pay? 250-4.
- Redmond, 190.
- Reform of land laws early agitation for, 80 et seq.; plans proposed, 81 et seq.
- Relief given by Land League, 127-30; by Mansion House Relief Committee, 130; Duchess of Marlborough committee, 130; Herald relief committee, 130; given by government to paupers, 102.
- Religious animosities, 297; professions, 299.
- Rent raising, fear of prevents improvements, 51; complaints war against, 131; Davitt on, 124-55; Parnell advises tenants not to pay unfair, 123; Parnell on fair, 120; advice to not pay, 117; reduced by the land commission, 229; arrears of reasons for, 207; provisions for by land law of 1881, 208; difficulty of paying in '79 and '80, 103; charges, 97; a case of unfair, 90-91; under purchasers in the encumbered estates courts, 84; arrears of after the famine of '47, 82; high a cause of poverty of tenants, "the hanging two gales" of, 58; raising, unfair, 53; why tenants agree to pay impossible, 54; raising on Lord Lansdowne's property, 48; payable half yearly arrears of, 56; the hanging gale, 58; modes of enforcing the payment of, 60; distraining for, 60-61; raising, 48; highest in proportion on small holdings, 48; percentage of investments, 46-7; the landlord's right to increase might destroy the tenant's interests, 42; increase of under the Ulster custom, 43.
- Rent, increase of, diminishes value of tenant's interests, 152; a fair-fixed, 152; can not be increased during statutory term, 152; reduction of advocated by Parnell, 168; paid secretly, 183; fair, under Ulster custom, 43; fair, how fixed, 365; sometimes reasonable, 49; reduced by land commissioners, 49; high, an old grievance, 49; conflicting accounts of, 46; Mr. Mitchell Henry on, 46; Commissioner Vernon on, 47; Portion of produce, 48; number of fair-fixed, 225.
- Ribbon societies flourish, 141.
- Ribbonmen, terrible outrages by, 79; flourish, 191; increase in influence, 183.
- Robinson, H. A., 266.
- Richey, Prof. A. G., on proceedings in an Irish court, 89.

Rules of the estate, a cause of complaint, 15;
 Russell, Charles, on rent raising 48; on Land Bill of 1881, 159.

SADLIER, 83.

Sale of tenants interests, sometimes allowed by landlords, 41-42; under the Ulster custom, 43.

Sales of tenant's cattle for rent, 145; free, of tenancies, 151.

Salisbury, Lord, on land law of 1881, 159.

Secret societies opposed to conciliation, 194; assassinate Lord Cavendish and Mr. Bourke, 195; flourish, 191.

Sexton, arrested, 171; prosecution for seditious conspiracy, 137.

Sale of tenant's interests under Ulster custom, 44.

Shopkeepers, extortionate, 213.

Smyth, P. J., writes to the Tralee Land League on the Coercion Act, 162-3.

Soldiers help distrain for rent, 61; attend process servers, 139.

Spencer, Earl, appointment of, as Lord Lieutenant, 194.

Spenser, Edmund, 72; on the Brehon laws, 26; on tenancies at will, 33; on changes of policy, 303; on high rents, 50.

Statistics giving number of landowners and size of estates, 2; of evictions, 70-71; giving number of tenants and size of holdings, 17; showing improvement in dwellings, 23; of paupers, 102; of crops from 1860 to 1880, 101; of compensation claimed and granted under Act of 1870, 93; of fair rents, 225; of outrages, 309; of religious professions, 299; of national

Schools, 290; illiteracy, 290; of deposits in banks, 279; of migratory laborers, 262-3; of population, 258; of cereal and green crops, 257-8.

Statutory term, 152, 134, 360; how instituted, 153.

Statutory conditions, 153, 362.

Stein, 105.

Stoney, E. V., on the reclamation of waste land, 251.

Subletting common, 11.

Sub-Commissioners, 157.

Subletting, decrease of, 13.

Sullivan, A. M., on Irish politeness, 22; on rent-raising, 51; quoted on Parnell's attitude to the Liberals, 135; on evictions in 1880, 130-1

on Home Rule, 312; describes the distress in Ireland, 129-30; on Mr. Parnell, 112; on the workings of the Coercion Act, 183.

Sullivan, T. D., prosecuted for seditious conspiracy, 137.

Sunday afternoon meetings, Mr. Biggar on, 124.

Suspects, arrest and imprisonment of, 148-9; release of, 186; Gladstone's reason for releasing, 187-8; rejoicing at the release of; "The Freeman's Journal" on, 191; on their way to prison, 178; associations formed to aid 179.

Swift, Dean, on high rents, 50; estimate of the rental of Ireland, 228; on the rental of Ireland, 346.

TENANCIES fixed, 369; in Ireland, 32; from year to year, 32; at will, 32.

Tenancies, sale of, 356; free sales of, provided for, 151.

Tenancies, long, encouraged by landlords, 40; at will, Spenser on the evils of 34.

- Tenants, bankrupt, 232; industrious and frugal 232; deeply in debt 10-23; advised to hold the harvests &c, 117; interests not protected, 80; protection societies, 82; agree to pay impossible rents, 54; many bankrupt, 18; their number and the size of their farms, 17; statistics of, 17; deeply in debt, 207; interests will be sold, 236-37; ought not to be helped stay on too small holdings, 213; interests, value of, 232; competition prices for, 233-34; sometimes charge laborers high rents, 273; defense associations, must be organized, 326; interests, Davitt on the value of, 346; aided in purchasing their holdings, 378; interests recognized by act of 1870 88; interests not adequately secured by act of 1870, 99; have not freedom of contract, 85; interests not protected by encumbered estates act, and land act of 1860, 85; right of occupancy, its origin and basis, 40; who will be benefited by the Land Act, 182; the small of the west not benefited by the Land Act, 168; may purchase their holdings by government aid, 156.
- Tenant right, the Ulster, legalized by act of 1870, 88; the Ulster, 82.
- Tenant League, 82-83.
- Tenant, ability of to contract himself, out of act of 1881, 378.
- Tenant's interest value of, diminished by increase of rent, 152; right of to sell his tenancy, 151; to devise, 151; opposed to improvements by landlords, 52; right of occupancy, 53; interest value of under Ulster custom, 44; interest, sale of under Ulster custom, 44; interest defined, 37, et seq; right, the Ulster defined, 42-3; old preferred by landlords, 40; cling to their wretched cabins, 69, causes of property, 18; allowed to sell their interests, 42; interests sometimes not recognized by the landlord, 42; interest value of, 41.
- Tenure, Celtic, 25, 27; security of demand by tenants, 150; fixity of, Davitt on, 125; want of security of a great grievance, 34; of office too much security of, 302; English introduction of, 27.
- Testimony, difficulty of getting reliable, 90.
- The National school, 288, 291; appointed to, 289; growth of, 290; Matthew Arnold on, 291; Dr. Playfair on, 291.
- Thom's Official Directory quoted 2, 23, 100, 262, 299.
- Tribesman, 27.
- Tithes, no-tithes manifestoes, 77.
- Tithe war, 78.
- Title, given by the Encumbered Estates Court, 4.
- Titles, difficulty of making, 8.
- Title, in Landed Estates Court, 94.
- Tormey, Rev. Father, on non-payment of rents, 117.
- Transfer of land, trouble and expense of making, 94 et seq.
- Trevelyan, character of, 306; sympathy of, with the Irish, 306-7.
- Tuke, J. H., assists emigrants, 265.
- ULSTER, ERthe business men of, on Irish affairs, 303;

- tenant right defined, 42-3;
 tenant right legalized by act
 of 1870, 88; tenant right le-
 galized in 1870, 45; tenant
 right, Presbyterian Synod
 on, 82.
- United Ireland, the organ of
 the Land League, 172
- University, the, of Dublin, 286;
 the Royal, 286.
- V**ALUATION, Griffith's, 59;
 Griffith's, claimed as a
 basis of rent, 165.
- Valuers, 315.
- Vandeleur, Mr., on Absentee-
 ism, 8.
- Venue, change of, 200-201;
 change of, 410.
- Vernon, John E., Land Com-
 missioner, 157; on rents, 46.
- W**AGES, laborers', 270-2.
- Westport, great meeting
 at, 120.
- Wexford, Parnell's speech at,
 170.
- White, Preston, 160; Mr. R.
 H., adventure of, 165.
- Whiteboys, 77.
- Witnesses refuse to testify, 143.
- Witnesses, special power to
 call and examine, 415.

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