

CORRESPONDENCE.

The P^r v. Mr. JUSTICE FERGUSON.

BRANTFORD Monday 12th September.
 SIMCOE Friday 16th September.
 ST. CATHARINES... Monday 26th September.
 HAMILTON Thursday 20th October.
 OWEN SOUND Monday 31st October.
 GUELPH Monday 7th November.

The Hon. Mr. JUSTICE ROBERTSON.

LINDSAY Wednesday... 21st September.
 PETERBOROUGH... Tuesday 27th September.
 WOODSTOCK Monday 3rd October.
 BARRIE Monday 10th October.
 STRATFORD Tuesday 18th October.
 WHITBY Monday 24th October.

CORRESPONDENCE.

To the Editor of the CANADA LAW JOURNAL:

DEAR SIR,—I inclose a pamphlet published by the Irish Loyal and Patriotic Union which a friend has recently sent to me from England, and which you may consider of sufficient interest to your readers to publish in the pages of your journal.

Yours faithfully, A. H. F. LEFROY.

June 23, 1887.

AN IRISH TENANT'S PRIVILEGES.

The privileges of Irish tenant farmers are of gradual growth, and date from various Acts of Parliament. They have, however, in recent years, been largely extended by three great measures:—(1) the Land Act of 1870; (2) the Land Law Act, 1881; and (3) the Land Purchase Act, 1885. It will, then, be convenient to consider these various privileges in chronological order.

I.—PRIVILEGES ACQUIRED PRIOR TO 1870.

No tenant can be evicted for non-payment of rent *unless one year's rent is in arrears*. (Landlord and Tenant Act, 1860, sect. 52.)

Even when evicted for non-payment of rent—

A tenant can *recover possession* within six months by payment of the amount due, and in that case the landlord *must pay* to the tenant the amount of any profit he could have made out of the lands while the tenant was out of possession. [11 Anne, c. 2, sect. 2; 8 Geo. I., c. 2, sect. 4; Act of 1860 (23 & 24 Vict. c. 154), sect. 70.]

The landlord must pay *half* the poor's-rate if the Government valuation of a holding is £4 or upwards. (Poor Relief Act, 1843, sect. 1.)

The landlord must pay the *entire* poor's-rate if the Government valuation is under £4. (Poor Relief Acts, 1838, sect. 74; 1849, sect. 11.)

II.—PRIVILEGES UNDER THE ACT OF 1870.

A yearly tenant who is disturbed in his holding by the act of the landlord, for causes other than non-payment of rent, and the Government valuation of whose holding does not exceed £100 per annum, must be paid by his landlord not only—

(a) Full compensation for all improvements made by himself or his predecessors, such as unexhausted manures, permanent buildings, and reclamation of waste lands; *but also as*

(b) Compensation for disturbance, a sum of money which may amount to seven years' rent. (Land Act, 1870, sects. 1, 2 and 3.)

NOTE.—Under the Act of 1881, the landlord's power of disturbance is practically abolished.

A yearly tenant, even when evicted for non-payment of rent, must be paid by his landlord—

(a) Compensation for all improvements, such as unexhausted manures, permanent buildings, and reclamation of waste land. (Sect. 4.)

And when his rent does not exceed £15 he must be paid in addition—

(b) A sum of money which may amount to seven years' rent, if the court decides that the rent is exorbitant. (Sects. 3 and 9.)

NOTE.—Until the contrary is proved, the improvements are presumed to have been made by the tenants. (Sect. 5.) The tenant can make his claim for compensation immediately on notice to quit being served, and cannot be evicted until the compensation is paid. (Sects. 16 and 21.)

A yearly tenant, even when voluntarily surrendering his farm, must either be paid by landlord—

(a) Compensation for all his improvements; or be

(b) Permitted to sell his improvements to an incoming tenant. (Sect. 4.)

In all new tenancies—

The landlord must pay *half* the county or Grand Jury Cess, if the valuation is £4 or upwards.

The landlord must pay the *entire* county or Grand Jury Cess, if the value does not exceed £4. (Land Act, 1870, sects. 65 and 66.)

III.—PRIVILEGES UNDER THE ACT OF 1881.

The Act of 1870 mainly conferred two advantages on evicted tenants—

(a) Full payment for all improvements;

(b) Compensation for disturbance.

The Act of 1881 gave three additional privileges to those who avail themselves of them:

1. *Fixity of Tenure*—By which the tenant remains in possession of his land *for ever*, subject to periodical revision of his rent. (Land Act, 1881, sect. 8.)

NOTE.—If a tenant has not had a fair rent fixed, and his landlord proceeds to evict him for non-payment of rent, he can apply to the court to fix the fair rent; and meantime the eviction proceedings will be restrained by the court. (Land Act, 1881, sect. 13.)

2. *Fair Rent*—By which any yearly tenant may apply to the Land Commission Court (the judges of which were appointed under Mr. Gladstone's administration) to fix the fair rent of his holding. The application is referred to three persons, one