

V.—*Suggestions for the Simplification of the Procedure in relation to the Sale of Land in Ireland.* By Stanislaus J. Lynch, Esq., Registrar of the Landed Estates Court.

[Read, Tuesday, 28th April, 1885 ]

I AM indebted to the Council of your Society for the privilege of submitting for your consideration this evening, some suggestions for the simplification of the procedure in relation to the sale of land in Ireland, and I feel that I have only to call attention to the condition of the Irish land market during the past four years, to convince you of the urgent necessity for immediate legislation, in order to give vitality to the purchase clauses of the Land Act of 1881.

Before, however, entering into the details of the reforms which are embodied in the Bill now in my hand, I would ask you to go back with me to the year 1848. Ireland was then passing through a trying ordeal. The potato crop, the staple food of the people, had been destroyed by disease; the population had been decimated by famine and emigration; large tracts of land were lying waste; in some districts in the south and west of Ireland poor-rates had reached 15s. in the £1; landlords were without their rents; mortgagees were deprived of their interest; the country was overrun by receivers; and while nearly 1,000 suits for sale had been instituted in Chancery, it was found impossible to realize property through the cumbrous machinery of that court.—In this crisis an Act was passed, whereby a temporary commission was appointed for the sale of incumbered estates; but while the Commissioners were empowered to confer indefeasible titles, their jurisdiction was limited to particular interests in land, and to land subject to incumbrances. If an estate was not subject to a receiver, or if the interest on the charges did not exceed half the net income, an owner could object to an order for sale; and it was further provided that all applications for sale should be made within three years from the date of the passing of the Act—July, 1849. During the first fifteen months 1,500 petitions had been presented; many of the owners were hopelessly insolvent; mortgagees were panic stricken, and forced on sales; and up to July, 1853, 2,878 petitions had been lodged, and over 1,000 estates had been sold, the sales realizing about £10,500,000.

Between 1853 and 1858 the powers of the Commission were renewed by four extending Acts; and in 1855 the necessity for the creation of a permanent court for the sale and transfer of land was so apparent, that a Royal Commission, which included amongst its members Lords Westbury, Romilly, Cairns, and Fitzgerald, Judge Longfield and Mr. Brewster, recommended that the then existing jurisdiction for conferring parliamentary title should be made permanent, and extended to unincumbered estates, and estates of all tenures, and that the rules, practice, and procedure of the Incumbered Estates Court should be adopted. While emphasising the value of the jurisdiction to confer parliamentary title, they drew attention to the care with which it should be exercised, and the safeguards by which it should be surrounded. In their report they point out that—

“The judge has the entire conduct of the case in all its stages. He reads the abstract, directs the searches, he pronounces a judicial opinion as to the validity of the title; and upon his responsibility the sale takes place, and in the subsequent stages of the proceedings upon the distribution of the funds, being familiar with all the details of the case, the business is despatched with care and promptness.”

And they recommended that in future legislation these advantages should be maintained.

In 1858 the Landed Estates Act was passed, whereby a permanent court for the sale and transfer of land was constituted. To it incumbrancers on any estate or interest could apply for relief by sale; through it owners of unincumbered (as well as incumbered) estates might place their lands upon the market; and from it owners could without sale obtain a declaration of indefeasible title. To this court was transferred the business then pending before the Incumbered Estates Commissioners—their jurisdiction had terminated; during the nine years of their existence they had sold £23,000,000 worth of property, comprising over 11,000 lots, and had executed conveyances to 8,364 purchasers.

In 1864 an Act was passed to facilitate the redemption of chief rents, through the medium of the Landed Estates Court. In 1865, the Record of Title Act was passed, having for its object the keeping free from complication titles conferred by the Landed Estates Court, and to render subsequent dealings with such estates more simple and economical. Upon the record, under its proper folio, all dealings with the estate are entered in a short and simple form; each entry constitutes in itself a title as conclusive and indefeasible as the original conveyance of the judges, and an inspection of the record discloses the dealings with the estate, with the same clearness as an account in a mercantile ledger. By an Act passed in the same year, owners of recorded estates were authorized to issue debentures to the extent of ten times the yearly value of the land charged, and with coupons entitling the holder to the interest.

I have now given, as briefly as is possible, the history of the legislation whereby the court for the sale and transfer of land was constituted, and its powers from time to time enlarged. I have not thought it necessary to explain in detail the extent of its jurisdiction in relation to partitions and exchange, to the apportionment of head rents, the redemption of quit rents and rent charges, the appointment of trustees, and the granting of injunctions. These are all ancillary to and necessary for the full exercise of their powers.

I come now to the legislation of 1870; when, in order to increase the number of owners of land in Ireland, and to facilitate sales to occupying tenants, the Board of Works were authorised, by the Bright clauses of the Land Act, to advance to tenant purchasers two-thirds of the price of the holding, repayable by an annuity for thirty-five years at the rate of 5 per cent. The history of the failure of that Act, and of the causes of its failure, is to be found in the report of Mr. Shaw Lefevre's Committee, and the evidence upon which it was grounded. The conditions were prohibitory. The tenant purchaser could not alienate or mortgage his holding; a devise by will without

the consent of the Board of Works was held to operate as a forfeiture ; the terms of advance were not sufficiently liberal ; the evils of the system of dual control by the Treasury and the Board of Works hampered landlords and tenants in their dealings ; and the difficulties arising under the easements clauses of the Landed Estates Act, and the limited powers for the redemption of head rents and investments of residues, and the costs of conveyancing, were further obstacles to the working of the Act in cases of estates for sale in the Landed Estates Court.

I may here mention that the Landed Estates Judges having called attention to the necessity for the amendment of their Act, in relation to easements, in order to facilitate the working of the Act of 1870, a Bill, introduced by Lords O'Hagan and Cairns, was passed by the House of Lords in 1875, to repeal the easements clauses of the Landed Estates Act ; but it did not reach the House of Commons.

In 1881 the second Land Act was passed. Under it, a temporary commission was appointed to fix fair rents ; and by the fifth part of the Act a further attempt was made to facilitate sales to occupying tenants. The amount of state advance was increased from two-thirds to three-fourths ; but while the provisions as to mortgaging and alienation were relaxed, no real attempt was made to remove the legal obstacles to the working of the Act of 1870 which were pointed out in the report of Mr. Shaw Lefevre's Committee. It appears to have been assumed because the Church Commissioners, as absolute owners of property without title deeds and not subject to incumbrances, successfully carried out sales to church tenants having qualified statutory rights of pre-emption, that the Land Commission, as their successors, without jurisdiction or machinery, could deal with the complications arising in the transfer of real property, and that by some magic force estates could be taken out of the landlords and vested in the tenants, without regard to title or to the rights of incumbrancers. The Land Clauses Consolidation Acts were incorporated with the Land Act ; where estates were in settlement, the purchase money was to be transferred to Chancery ; if lands were subject to incumbrances, the mortgagees had to execute releases ; and in cases of doubt as to title it was sought by state indemnity to perfect the title of the tenant. The purchase department of the Land Commission was not a year in existence, when a committee of the House of Lords, in April, 1882, reported upon the manifest defects in the fifth part of the Act of 1881. In the same year, however, Lord Cairns' Settled Land Act became law, and its liberal provisions come opportunely to our aid in the legislation now under consideration.

I have referred to the powers of purchase by the Land Commission. A landlord's property often comprises many townlands, situated in different counties and provinces ; the incumbrances affecting it override the entire estate. The expense of making title to one townland is as great as to the whole estate. Upon some of these townlands, one-half of the tenants only may be able or willing to buy, and their holdings may be situated in different parts of the townland. Other townlands may be held in rundale or detached plots, or may be so

over-populated that the conversion of the occupiers into owners would be an unmixed evil, whether as regards the improvement of the land, or a proper system of agriculture, or the social condition of the population. Owners of incumbered estates cannot in all cases sell townlands by piecemeal to the tenants who may be able or willing to buy. There are no doubt many townlands, and many holdings on townlands, upon which the tenants can with state aid buy directly; but in a very large number of instances, and especially in the cases of incumbered estates, a townland will have first to be sold as a lot.

The idea of a judicial commission, a government department, undertaking the duties of land brokers, or dealers in land, for the purpose of redivision or improvement and resale, appears to me an absurdity. To do so with success, they would have to assume the position and be onerated with the responsibilities of landlords for the time being of the estates so bought. They would have to hold them perhaps for some years, and they would have to effect improvements before resale. The legislature has recognized the necessity of some other intermediary. The second part of the Tramways Act of 1883 provides for the constitution of public companies for the purchase and resale of land, and for, I might almost say, unlimited advances to such companies. All the powers vested in the Land Commission by the Act of 1881 in relation to purchase, are, subject to certain judicial supervision in their exercise, given to public companies established under the Tramways Act.

Last year the government introduced an amended purchase Bill. It was proposed to reduce the rate of interest from 5 per cent. to  $4\frac{1}{2}$  per cent., and while the limits of three-fourths was maintained, it was provided that the whole purchase-money might be advanced, if a local or county guarantee were given as security for such advance, and provision was sought to be made for the conferring of parliamentary title by the Land Commission, and to cheapen the cost of conveyancing.

I pass from the latter provisions for the present, and I think I may assert that the reception which was given to the suggestion of a county guarantee, warrants me in stating that such a scheme would be unworkable. While we all admit the necessity for and advantage of the conversion of occupying tenants into proprietors—when we come to deal with individual cases, why should we make the success of conversion depend upon local guarantees? Why should the landlords or tenants of one townland in a union guarantee the repayment of the purchase money of individual tenants on another townland? I can only say that in my opinion they would decline to do so. It appears to me that if the conversion of occupying tenants, unable to find the fourth of the purchase money, is in certain cases desirable, the guarantor should in such cases be the vendor who is benefited by the sale.

That Bill was not proceeded with, and we are now, in 1885, seeking to open the land market. I need not dwell upon the present state of affairs, or pause to enquire too minutely into the causes of the dead lock. Suffice it to say that whereas over £55,000,000

worth of property has been sold in the Court since 1849, and in ordinary years the sales in the Landed Estates Court averaged £1,500,000 per annum, the sales of last year reached only about £360,000. There is no bidding at the sales. If in 1848 there were 1,000 suits pending in Chancery, and the country was overrun by receivers, we have in 1885 some 800 estates ready for or ripening to sale, and over 900 estates under the management of court receivers, with all the attendant costs and evils of that system.

It is not now a question of the price at which land should be sold; it is that there are no bidders. Tenants who may be willing to buy are holding back till they know the final terms of the Government as to advance, and cost of conveyancing. Landlords cannot negotiate sales with tenants under the present departmental arrangements. Until the legal obstacles to sales are removed by legislation, mortgagees have regarded the situation as a bad one, to be tided over by forbearance, and estates have been kept back, at considerable loss and expense, in the hope of a return to a better state of things. I have heard it suggested that the Land Judges should, in order to create a market, force sales. It has been even said that the Incumbered Estates Commissioners, with that object, knocked down estates at an under value, against the wish of incumbrancers. The Incumbered Estates Commissioners, in the first couple of years of their commission, sold some estates at low prices; but it was because the mortgagees pressed for sales, because the market was believed to be a falling one, puisne incumbrancers were unable or afraid to buy to save themselves, and few had the courage to speculate—thus some estates were sacrificed; but this was not the result of the action of the Commissioners. So too with the Land Judges, when mortgagees press for sale for the payment of their incumbrances, the estates must be sold for whatever they will fetch in the market; but they have not done so as yet; and I am not to be told that the Land Judges are to sacrifice by a short knock the estate of A, against the wishes of the mortgagees who would be damnified by such a sale, in order that a market may possibly be created in the future wherein the estate of B may fetch its value.

Shortly stated, the position of the Land Judges in relation to sales is this. In the cases of sales by private contract (and under this class sales to tenants of their holdings would usually come) the price is the subject of agreement between the owner and purchaser; it comes before the court for confirmation, upon notice to the incumbrancers or the persons interested in the proceeds of the sale; the court merely confirms the contract freely entered into, taking care that the persons entitled to the proceeds of the sale are heard upon the motion for confirmation. In the case of the sale of an unincumbered estate, the owner may sell either by private sale or public auction, if he tries an auction, and there is bona fide competition, and he objects to the prices offered, the court will not confirm the biddings; but they will not allow him to try the market again. In the case of incumbered estates,—if at the auction the mortgagees consider the biddings insufficient, and do not press for a sale, the sale is adjourned; if there is competition, and a prior mortgagee presses

for a sale, while a puisne incumbrancer objects, the remedy of the puisne incumbrancer is to bid himself. The owner of an incumbered estate cannot resist a sale where the incumbrancers press for payment; his only remedy is to pay them off. But it often happens that only one bid is given at a sale, or that the sale is adjourned, at the instance of the incumbrancers, for insufficient bidding or want of competition. I have gone back for some six months, and I find that in the cases of twenty-one lots which were so adjourned at the gross bidding of £44,695, these same lots were sold by private contract within that period for £57,370, and in almost every instance to the same bidders as at the public sales; thus illustrating the prudence of the action of the court in adjourning the sales at the instance of the parties interested. I have gone into these details because of the misapprehension which appears to exist as to the practice in relation to court sales.

As to the future. To many the outlook is gloomy. American competition, unfavourable seasons, depression in trade, political agitation, and the departure in recent legislation from the beaten track of political economy, make some men hopeless. I, however, for one do not despair of the future of my country. I believe that there is a silver lining even to Irish clouds. When I recall to mind the forebodings of farmers during the agitation for the repeal of the corn laws; when I see that in 1847 the deposits in our banks were only £6,493,124; that in 1859 they had reached £16,042,140; that though in the period of agricultural depression between 1860 and 1863 they dropped to £12,966,731, they rose again in 1864 to £15,623,337, and had reached in 1877 £32,746,000, and though falling in 1880 to £29,229,000, that in 1882 (the latest date of which we have published statistics), including the amounts in post office savings banks, they stood at £34,327,000; when I tell you that in 1841 we had 101 banks scattered through Ireland, and in 1885, 543; and that, while ministering with a liberal hand to the legitimate accommodation of the commercial and agricultural classes, banks live by deposits, and their success depends upon the nation's prosperity; I am inclined to ask you to have confidence in the recuperative power of this country. I believe that the fever of an agitation which deters capital and paralyses industry is abating. I do not believe in the doctrine of the wholesale expropriation of landlords, or in the permanence of a war of class against class.

As in trade and commerce, in the learned professions, and in official life, there are many grades, and it is not given to every man to achieve equal success, so must it be with agriculture and those who live by land or the produce of land. You will have the same inequalities, and the same proportion of men who in the race of life will lag behind, and whom no legislation can benefit. But I believe that the vast majority of the Irish tenants, to whom success in life is possible, are earnestly anxious to be permitted to live in peace with their fellowmen, and to achieve that goal by the path of honest industry.

It is not, however, for us to conjecture this evening as to the future of Irish agriculture, or whether the price of land may be high or low. Our aim is to make sales possible, at whatever may be the market

price of the day; to free the capital which is now tied up in land, and to enable the tenant who so desires to purchase his holding; and to prevent incumbered estates, which must be sold, passing into the hands of land jobbers, at prices which will entail ruin upon puisne incumbrancers.

The Bill "Further to Facilitate the Sale and Transfer of Land in Ireland" has been framed with the object of removing the existing obstacles to the working of the purchase clauses of the Land Act of 1881, and to meet the objections to, and remedy the defects in, the Purchase Bill introduced by Her Majesty's Government in 1884. To attain these ends it is proposed—(1) to extend the period of repayment of advances from thirty-five years, as provided by the Land Act, to forty-seven years; and to reduce the annuity from 5 per cent. to 4 per cent. (the terms contained in the Bill of 1884 being forty years at  $4\frac{1}{2}$  per cent.); (2) to substitute the security of the vendor for the county guarantee, and in the cases of such security being given, to enable the advance of the whole of the purchase money, instead of three-fourths; and to provide that one-fifth of the purchase money in such guarantee cases shall be retained for the period of twenty years, as security for such advance, the interest on the sum so retained being in the meantime paid to the vendor or other the person entitled to the fund, (I have named a fifth as the sum to be retained, but if the Chancellor of the Exchequer considered it desirable to retain the fourth, I should not object to the enlargement of the security); (3) it is further proposed to repeal the clauses of the Land Act which enabled the Land Commission to purchase estates for the purpose of resale, and thus, while obviating the danger of the price of land being regulated by the government standard, instead of by the ordinary laws of supply and demand, and relieving the state from the risk and expense of dealing in land through one of its departments, to give vitality to the second part of the Tramways Act, which enables public companies to intervene for the purchase of estates, where such intervention may be necessary or expedient, in order to facilitate the creation of occupying owners; (4) to provide that advances made by the state to such companies may be secured by debentures, issued under the Debenture Act of 1865, upon the estates so purchased, and for the application of the purchase money upon the resale of such estates, or any part of them, to the redemption of such debentures, and to enable the Treasury to reissue these debentures with government guarantee during their currency; (5) to transfer to the Land Judges the jurisdiction now vested in the Land Commission, in relation to advances to tenants and public companies; and (6) by the application of the system of the Record of Title, now under the control of the Land Judges, to all cases of sales to tenants and public companies, to provide a cheap and simple mode of conveyancing by land certificates prepared in that office, making the ordnance names of the lands the basis for registration, and while keeping the titles so conferred free from complication, to render subsequent dealings with land simple and economical; (7) by enabling the Treasury in the future to create local registries, in connexion with the Record of Title Office, to establish a land registry in harmony with and applicable to a new system

of land tenure ; (8) to amend the Landed Estates Act in relation to easements, by grafting on this Bill the provisions of the Act passed in the House of Lords in 1875 ; (9) to facilitate the redemption of head rents and rent charges, by enabling the Land Judges, where they deemed it expedient on the occasion of sales, to make orders for the redemption of such charges ; and (10) to extend their jurisdiction, in relation to partition and exchange, to the cases of lands held by tenants in rundale or detached plots ; (11) to apply the provisions of the Settled Land Act of 1882, in relation to the sale of settled estates and the investment of the proceeds of such sales, to all estates now pending before the Land Judges ; and (12) to enable the Land Judges to frame new rules and schedules of fees and costs for the simplification of their procedure and the reduction of expense.

In addition to these reforms, the scheme of the Government Bill of 1884, for the creation of a Government Irish Debenture Stock, has been imported into the present Bill, and Part V. is in that respect a copy of Part III. of the Bill of 1884.

The creation of fee-farm interests, with the aid of state advance, was contemplated by the Land Act of 1881. Power was given for the advance of a sum, not exceeding half the fine payable to the landlord. There are many tenants who would consider it more advantageous to fine down their existing rents, than to acquire by purchase the fee of their holdings discharged of rents. On the other hand, there are many resident landlords whose estates are mortgaged to a limited extent, and who, though unwilling to sell their estates, would gladly clear off the incumbrances by the creation of fee-farm interests. The advantages of such a scheme, and the necessity of the enlargement of these facilities, have been recently put forward in a very able paper published by my friend, Dr. Traill. Availing myself of his suggestions, I have inserted clauses to enable the Land Judges to advance to the landlord a sum sufficient for the purchase of a moiety of the judicial rent of a holding, upon the terms of his executing a fee-farm grant to the tenant of his holding, at a rent equal to the remaining moiety of the judicial rent.

Having regard to the existing laws of entail and settlement, and the complications in titles to Irish land, and to the condition of a large section of the holdings in Ireland, and the unequal distribution of population, no scheme can be propounded which will at once render the sale and transfer of land simple as dealings in stocks and shares. The duty of the Government is to remove, as far as is possible by legislation, the existing obstacles to the easy transfer of land ; and by state aid to facilitate the acquisition of land by tenants, so far as is consistent with perfect security for the advances made by the state. Having done this, future dealings must be left to the free and unfettered action of the contracting parties. The market being once opened, the ordinary laws of supply and demand must obtain. The price of land, and of rents issuing out of land, will be regulated by the pressure of incumbrancers seeking to realize their securities, the desire of landlords to sell, the willingness of tenants to buy, the enterprise of companies in developing the resources of estates before resale, and the estimate the public may be induced to



place upon rents as a safe investment for their capital. By the present Bill, it is proposed to make sales possible. To the tenant anxious to buy, the liberal terms offered as to advance and cost of conveyance enable him to treat with his landlord on favourable terms. Further facilities for sale are offered to the landlord desirous of selling; while incumbrancers seeking payment of their mortgages may say, "the market being opened, the period for forbearance has passed, and the time for realization has arrived."

Nearly all Irish estates are either in settlement or subject to incumbrances, and no sale of any land can be made by any tribunal without notice to incumbrancers, or without a preliminary investigation of the title to the land. As I have already pointed out, all proceedings towards sale for the payment of incumbrances, and all proceedings by owners for the investigation of their titles to estates, must be instituted before the Land Judges; and, as Mr. Trevelyan stated in his speech on the introduction of the Purchase Bill, last May, there were then some 700 or 800 estates ripe for sale before the Land Judges. It is then manifest that in the interest of suitors, and to facilitate sales to tenants, the proceedings towards such sales should be instituted in and carried out by the court constituted for the sale and transfer of land, clothed with all the jurisdiction necessary for that purpose; and that any scheme, having for its object the maintenance of a second department for the sale of land to tenants, no matter how much its powers may be enlarged, must result in unnecessary expense and delay, and that its mission must be a failure.

The title to one section of the estate is usually the common title to the whole—the incumbrances over-ride the entire; the estate may comprise fee-farm rents, house property, and other interests not the subject of advances under the Land Act; why then should an owner be obliged to seek the intervention of the Land Commission to carry out the sale of a holding to a tenant, while he has to apply to the Land Judges to sell the bulk of his estate, and to distribute the purchase-money? Or why should it be necessary to show title to the land in one department, and make title to the produce of the sale of that land in another department? It is therefore proposed by this Bill to transfer the working of the purchase-clauses to the Land Judges. Upon them also will be cast the duty of ascertaining the sufficiency of the security for the state advance. This security will include, in addition to the landlord's interest (which is the subject-matter of the sale), the value of the tenant's interest in his holding.

No other tribunal exists having such ample materials for arriving at a correct judgment upon the adequacy of this combined security. The history of the estate as disclosed on the title, the independent valuations obtained on the occasion of loans, the tenement valuation, the survey and existing rental, the records of the court on previous sales, and the prices realized in the court on the sales of tenants' interests (which since 1870 have been the constant subject of sale), afford a sure basis for measuring the advance. In addition, the Judges have under their Act the most ample powers for the employment of valuers and actuaries. Under ordinary circumstances, mortgagees

had well recognized standards for measuring their margin of security. As a merchant having a valuable building lease of a plot of ground erects upon it costly buildings, and subsequently, having negotiated with his landlord for the purchase of his head rent, goes to his banker and asks for an advance to complete his purchase, throwing down, as additional security, the lease, carrying with it all his outlay, so, too, will a tenant of land be in a position to offer the valuable additional security of his interest in the land with all his improvements.

As to the management of the Government grant in aid of purchases, the Accounting Department of the High Court is in the Court of the Land Judges, and so far as it deals with estates pending before them is under their control. Its present simple and admirable system was instituted four years ago by the Treasury officers of accounts. The accounting in relation to advances can be grafted on the existing system. Funds can be transferred without trouble or expense from the public account of the Judges to the accounts of the estates or matters pending before them, and the provisions of the 80th section of the Landed Estates Act for the utilization for the purpose of the state of credit balances, can be brought into effect.

The present proposal must commend itself to the public economist. The tenure of the Land Commission expires in three years—in August, 1888. Last year it was proposed to create a fourth commissioner to strengthen the court, and enable it to cope with the accumulating arrears of appeals—then estimated at 10,000—pending before them. Can a commission so weighted undertake the working of the purchase system, if it obtains vitality, without additional judicial and official aid? Would it be possible for the legal members of that commission, I would ask, in the words of the Royal Commissioners to whose report I referred, “to read the abstracts, direct the searches, be familiar with the case in all its stages, pronounce judicial opinion upon the validity of the title, and distribute the proceeds of the sales according to the rights of the parties?”

Let us not sap the foundations of the security of parliamentary title by the introduction of a system which would result in the delegation of judicial functions and judicial responsibility to counsel, however eminent, or officials, however zealous. Having in 1878 endowed the Land Judges with additional jurisdiction, and while preserving their rules, practice, and procedure, and reorganised their official staff, it would be false economy to pension judges, skilled examiners, and trained officials, having vested interests, and at the same time to provide for the appointment of a commissioner with “counsel, solicitors, and clerks,” and lay the foundations of fixity of tenure for the enlarged staff of a temporary commission by operating them with duties analogous to those now discharged in the court of the Land Judges. It were better to relieve the Land Commissioners of all duties in relation to sales, and leave them free to dispose of the arrears of appeals and the business arising under the other branches of the Land Act. In 1888 the

work of fixing fair rents will be approaching conclusion. Cases arising after that date may possibly be remitted to the adjudication of county court judges, the appeals under the Land Act may then be relegated to ordinary judges, the *raison d'être* for the Land Commission will no longer exist, and the way will be prepared for Mr. Justice O'Hagan and his able legal colleague, Mr. Litton, taking their share at an early date of the regular judicial work of the High Court.

Gentlemen, the Statistical Society has been the cradle of many measures of social and legal reform, but to no subject have its members devoted more attention than to the reform of our land laws. In almost every volume of its Journals are to be found papers dealing with this complicated question. Its list of ex-presidents and vice-presidents is a record of the names of great men struggling for free-trade in land. It was here that in 1865 Lord O'Hagan, speaking of the Record of Title, told that "under it transfer of land will be as easy and complete as that which may now be made of stock or railway shares or an interest in a ship," and that "the natural consequence would be the formation of a substantial middle-class, a body of small independent proprietors, whose interest in the soil and security in the enjoyment of the fruits of their labour will render them industrious, law-respecting, and order-loving citizens, the truest safeguard and strength of a nation." It was from this platform that Judge Longfield expounded, in simple language, the advantages of the system of land debentures. These great men were in advance of their time ; some of their measures were not then applicable to our complicated system of entail and settlement. Recent legislation—Lord Cairns' Settled Land Act, the Conveyancing Act, and the Solicitors' Remuneration Act, have, however, cleared the line, and the Land Act of 1881 has rendered further legislation necessary. Therefore it is that I, as a former pupil of Judge Longfield, having worked under him for years, have endeavoured to apply the benefits of the various Acts with which, since 1849, his name has been connected, to the system of tenure now to be created, and availing myself of the practical suggestions of Dr. Traill, Mr. Edward O'Brien, and others, have formulated a Bill which will give practical effect to the intention of the legislature in relation the acquisition of land by occupying tenants. I have thought it safer to give vitality to existing Acts than to complicate the present measure by legislation on the subject of entail and settlement. But a fitting supplement to this measure, and, shall I say, a necessary consequence of it will be a Bill to amend the law in that regard. I have selected this society as the best medium for the discussion of this Bill, and I ask the members this evening to give to it the imprimatur of their approval.

---