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Volume 32**

Ireland. Court of Appeal

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1893 edition. Excerpt: ...Q. B. Div. proportion to the benefit derived) towards the cost of the construction 1893' and maintenance of the drainage works. ENNHLEILEN The relations of landlord and tenant are also provided for by R1'-li-I-L a distinct code of Land Acts, by virtue of which a tenant, instead Johnson, J_ of being liable to such rent of his holding as might be put on him by a landlord, may have a fair rent fixed, to continue for fifteen years, subject then to re-adjustment. _ The Drainage Code and the Land Law Code proceed, so to speak, in parallel lines, or, as Mr. Justice Gibson more aptly expressed it, are in different planes. When the defendant's fair rent was fixed, the drainage works were in progress; they were not completed for seven years afterwards; that is the state of things which we have to consider, and to which my judgment in this case is confined. " The amount of benefit derived" by the defendant " by means of the works" could not be prospectively determined, or its pecuniary value assessed, by the Land Commission when the fair rent order was made, even if they had jurisdiction to do so (a proposition to which I am not to be taken as assenting); and the case states, as the fact is, that the fair rent order then made does not (and in my opinion properly does not) refer directly or indirectly to the drainage works. The term " rent" between landlord and tenant, as was pointed out by Mr. Atkinson, is defined by the Land Act, of 1860, sect. 1, to include "any sum, or return in the nature of rent, payable or given by way of compensation for the holding of any lands." The term " rent " in the Drainage Act, 1863, sect. 56, is applied to the rateable assessment under the...

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