

**THE AGRICULTURAL HOLDINGS  
(ENGLAND) ACT, 1883: WITH NOTES  
AND AN INTRODUCTORY CHAPTER ON  
THE SUBJECT-MATTER OF THE ACT,  
ALSO A SUMMARY OF PROCEDURE**

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The Agricultural Holdings (England) Act, 1883: With Notes and an Introductory Chapter on the Subject-Matter of the Act, Also a Summary of Procedure by J. W. Jeudwine

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**J. W. JEUDWINE**

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WITH  
NOTES AND AN INTRODUCTORY CHAPTER ON THE  
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ALSO A  
*Summary of Procedure,*

AND AN  
APPENDIX OF FORMS

*IN PROCEEDINGS UNDER REFERENCES, IN THE COUNTY COURT,  
AND BEFORE THE MAGISTRATES, ADAPTED FOR  
USE UNDER THE ACT.*

TOGETHER WITH  
*Precedents of Lady-day and Michaelmas Agreements.*

BY  
J. W. JEUDWINE,  
*Of Lincoln's Inn, Barrister-at-Law.*

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SECOND EDITION.

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LONDON:  
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LONDON WALL, E.C.

1883.

## PREFACE TO THE SECOND EDITION.

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THE Author has taken the opportunity afforded by a second edition to thoroughly revise the work and to correct the numerous errors which were unavoidable in the previous edition.

The question of substituted compensation has been further considered, and the matter in the book has been increased by further comments on the various clauses of the Act and by additional notes.

An additional precedent has been added (Form 1\*) in the form of a short farming agreement, for use where an agreement is prepared in haste, and all the forms have been carefully revised and an index to them added.

The question as to notices to quit, given before January 1st, 1884, has been reconsidered in the notes to sect. 33, and a note has been added pointing out the view which the Court would probably take of such a point. Although this section may give rise to litigation, it is not safe to assume as some writers in the *Times* have recently done, that all notices to quit in Michaelmas tenancies given for September 29th, 1884, are bad, unless given before September 29th, 1883. It seems more probable that a Court of Law would hold the notice good if given at any time before January 1st, 1884.

The Author wishes most strenuously to disclaim the intention imputed to him in a London Journal, namely,

PREFACE TO THE SECOND EDITION.

that he had chiefly exerted his ingenuity "in an endeavour to shew landlords how to evade the Act to the greatest possible extent." It is true that in the Introductory Chapter it is shewn how in the Author's opinion the Act may be evaded, but the evading clauses are not incorporated in the precedents, and the object of the comments and clauses criticized was to point out how litigation might be avoided, and not how the benefits of the Act to tenants could be minimized.

The Author is strongly of opinion that the chief advantage of the compulsory clauses of the Act is as a guide in drafting substituted agreements, and that both landlord and tenant will still find it to their advantage to exclude the Act, and especially those parts of it which seem likely to lead to litigation.

That being so, the comments made have naturally been addressed far more to landlords than to tenants, as the latter under the Act have less difficulty in contracting themselves out of it.

J. W. JEUDWINE.

LINCOLN'S INN,

*September, 1883.*

## P R E F A C E.

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NO apology need be made for editing an Act which is professedly compulsory, and which, as must any Act which relates to agriculture, affects the interests of a large part of the community. The present Act seems to be generally accepted as a fair and earnest endeavour to settle vexed questions arising between landlord and tenant, although in the opinion of some tenants it may not have gone far enough, in the opinion of some landlords too far.

The Government showed great fairness and moderation in regulating its discussion, repeatedly refusing to give way to suggestions of either extreme party which would have damaged the principles of the Act, whilst, where principle was not concerned, they willingly accepted any amendments which commended themselves to the views of the Committee.

The only part of the Act as to the working of which any serious difference of opinion arose, was the clause relating to drainage. This, it will be hoped, will not be found to work so unfavourably to the landlord as has been supposed.

The Procedure Clauses are mainly copied from the Act of 1875. To the Author the County Court seems a most unfit tribunal for the trial of appeals from references. County Court Judges, as a rule, know little or nothing



about farming, and on appeal they can but reconsider the decision of the valuers on the evidence of the valuers themselves. An umpire appointed by the Land Commissioners or by the Institute of Surveyors would, in the Author's humble opinion, be a much fairer and probably a cheaper mode of appeal.

The object throughout the work has been to repeat nothing, though in editing an Act of Parliament it is very difficult to avoid repetition.

The procedure is set out in order of time, with frequent cross references to the sections and notes, and the directions how to claim compensation are as simple and as short as it is safe to make them.

The notes, as a rule, contain only the matter arising on the particular wording of the sections, and all general questions on the Act have been considered in the Introductory Chapter.

The forms have been carefully drawn, and much time and labour has been expended on them and on the Precedent of Agreement which form Appendix 1. The Precedent has been carefully modelled to meet not only the Act, but the possibility of the tenant failing to give his notices and claiming under custom or agreement. For this reason, and because the agreement applies both to Lady Day and Michaelmas tenancies, it was impossible to draw it shortly.

In settling this Precedent the Author has been much indebted to the practical advice and assistance of friends.

J. W. JEUDWINE,

LINCOLN'S INN.

*September, 1883.*

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