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THE  
IRISH LAND QUESTION  
AND  
ENGLISH PUBLIC OPINION.

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"The great evil of Ireland is this—that the Irish people—the Irish nation—are dispossessed of the soil, and what we ought to do is to provide for, and aid in, their restoration to it by all measures of justice."—JOHN BRIGHT.

"The great want of Ireland is a Peasant Proprietary."—JOHN FRANCIS MAGUIRE.

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DUBLIN: T. D. SULLIVAN, 90 MIDDLE ABBEY STREET.  
LONDON: CAMERON & FERGUSON, ST. PAUL'S CHURCHYARD.

1880.

PRICE SIXPENCE.

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AN English Conservative statesman has recently said that "the future of Ireland is the great domestic problem of the day;" and, as the future of Ireland is intimately bound up with the Land Question, the subject becomes one of pressing interest and importance. It is much to be regretted that, although the question of Irish land tenure has been before the English public for many years, the English mind is still apparently uneducated upon the matter. The same inattention to history, the same ignorance of facts, the same misapprehension of the difference existing between the relations of landlord and tenant in the two countries—out of which arises the whole difficulty—is observable now, though happily with diminishing effect, as in days gone by. And the Government of the day have, up to the present, failed—as former Governments (if we except the administration in which Mr. Bright had a place) failed—to perceive that before a lasting peace can be made between England and Ireland this question must be effectually and for ever disposed of. The inability of the vast majority of Englishmen to un-



derstand how it is that Irish tenants are always poor and dissatisfied, whilst English tenants are happy, prosperous, and contented, is truly incredible, after all that has been said and written upon the subject. As the law is the same in both countries, why are not the tenants the same, asks many a fair-minded Englishman. The answer has often been given—because the practical operation and results of those laws are not the same. And why? Because the practice and circumstances of landlordism in both countries are not the same. And how comes this, we are asked. To answer this question fully and satisfactorily, we must invite our English friends to take a glance at Irish history, and to learn how and when the system of landlordism in Ireland was established, and by what means it has been maintained. I am no advocate for dwelling on the past. Englishmen say we are too fond of looking back. I do not know how that may be, but I am confident that Englishmen do not—so far as Ireland is concerned—look back enough. Much that now seems unintelligible or inexplicable in Irish affairs cannot be understood or explained without a little knowledge of Irish history, and that little not five out of every hundred of Englishmen possess. Their knowledge of Ireland is altogether acquired from the English press; and, whilst I freely recognise the services which the press has rendered to England and the world, I cannot avoid stating—what every frank English journalist will concede—that knowledge so acquired must be incomplete, inaccurate, and coloured by a national tint not favourable to the full discovery of truth.



How many Englishmen have read the works of Lecky, Prendergast, Arthur Young, Sullivan—how many have heard of the Plantation of Ulster, the Cromwellian Settlement, or the Court of Claims?

I know several Englishmen who have studied Froude's "English in Ireland in the Eighteenth Century," but not two who have read Lecky's reply\* to the indictment which the great English historian has brought against the Irish nation. Many Englishmen seem to know much of the Rebellion of 1641 and the massacres associated with it, but few appear to have ever heard of the atrocities of Essex, the massacres of Wexford and Drogheda, or the violation of the Treaty of Limerick—"violated," to use the words of John Bright, "almost incessantly during two centuries of time";† and yet an accurate, an intimate, and a perfect knowledge of Irish history from the time of Queen Elizabeth down to our own day is, I believe, absolutely essential to enable the English public to appreciate and to aid in the solution of the Irish difficulty.‡

The system of Irish landlordism rests on confiscation—not on an act of confiscation committed many centuries ago, as in the case of the Norman confiscations in England, but confiscation resting

\* "Macmillan's Magazine," January 1873.

† Speech in Limerick, July 14, 1868.

‡ Vide Lecky's "Leaders of Public Opinion in Ireland," Lecky's "History of Ireland in the Eighteenth Century," Lecky's "Answer to Froude in 'Macmillan's Magazine,'" January, 1873; Prendergast's "Cromwellian Settlement," Sullivan's "New Ireland," Haverty's "History of Ireland," Mullala's "Irish Affairs," Mr. Bright's "Collected Speeches"



on a series of acts of a comparatively modern date.\* Neither has the remembrance of the wrongs inflicted upon the old inhabitants of the island by these acts, nor the differences of religion and race between the wrong-doers and the wronged, been permitted to die out; on the contrary, those things have been perpetuated by a policy of injustice and exasperation. "It is impossible not to feel," says Mr. Bright, "that there hangs over the country something like a shadow of the curse of past wrongs, and that there are amongst you afflicting memories that will not sleep."† Why do you not forget the past, say Englishmen over and over again to us. We answer, because you have never allowed us. By centuries of misrule you have kept alive its bitter memories. You have constantly, by unwise and guilty legislation, reminded the Catholic Celt that he was in his native land one of a degraded and an enslaved race. You have taught the Anglo-Saxon Protestant that he had been placed in Ireland to conquer and to exterminate.‡ By your misgovernment you have made it impossible for Celt and Saxon, Catholic and Protestant, to unite. Your maxim was, divide and govern. You have acted up to it, and we are all now suffering for your unwisdom. Owing to your misgovernment Ireland is to this day divided be-

\* Vide Speech of Lord Clare (then Lord Fitzgibbon) in the Irish House of Commons, 1793.

† Speech in Limerick, July 14, 1868.

‡ "We know from the unimpeachable authority of Sir John Davis that a project had long been entertained of 'rooting out' the Irish from the soil."—Mr. Lecky's Answer to Mr. Froude. "Macmillan's Magazine," January, 1873.



tween two camps—the Catholic peasant farmer, representing the old Celtic stock from which he is sprung; and the Protestant landlord representing the Cromwellian settler and invader, from whom he is descended. During the seventeenth century there were in all three great confiscations in Ireland. The first occurred in the reign of James I., and is known as the Ulster Plantation. James formed the idea of planting an English colony in Ulster, and of Anglicising and Protestantising that portion of the island. His scheme was attended with considerable success. The Catholic population was expelled, and their possessions, to the extent of 2,836,837 acres, handed over to English and Scotch settlers. Those settlers have thus been described by one of their number, and I commend the description to that class of Englishmen who are so fond of expatiating upon the superiority of kin which the people of the North of Ireland possess over their Southern fellow countrymen. “From Scotland came many, and from England not a few, yet all of them generally the scum of both nations, who from debt, or breaking or fleeing from justice, or seeking shelter, came hither, hoping to be, without fear of man’s justice, in a land where there was nothing, or but little as yet, of the fear of God. On all hands Atheism increased, and disregard of God; iniquity abounded, with contention, fighting, murder, adultery. . . . Going to Ireland was looked on as a miserable mark of a deplorable person; yea, it was turned into a proverb, and one of the worst expressions of disdain that



could be invented was to tell a man that 'Ireland would be his hinder end.'"<sup>\*</sup> Their descendants, however, have, under favouring laws and customs, become an industrious and prosperous people, and Ireland has reason to be proud of them. It is worthy of remark that some of the greatest Irish movements have originated in the North, and no part of the country has been so prolific in the production of national leaders.<sup>†</sup>

Oliver Cromwell was determined to carry out in Leinster and Munster the policy which had been so successfully initiated and accomplished in the North. He accordingly drove the Papists out of those parts of the country, having, however, given them the option of going to a warmer region,<sup>‡</sup> and transferred their lands, amounting to 7,800,000 acres, to his followers. The last confiscation of the century occurred after the Williamite invasion, when 1,060,792 acres were wrested from the old Irish proprietors.<sup>§</sup> "Thus," to use the words of

<sup>\*</sup> Vide "Reid's History of the Irish Presbyterians," vol. i., pp. 97 and 98.

<sup>†</sup> The Volunteer movement of 1782 was Northern and Protestant. So was the insurrectionary conspiracy of 1798. "What little republicanism existed in Ireland," says Mr. Lecky, "was mainly among the Presbyterians of Ulster. Wexford was the only county where the rebellion was distinctively Roman Catholic, and even there Bagenal Harvey, its leader, was a Protestant." (Lecky's "Leaders of Public Opinion in Ireland." p. 141.) The founder of the Young Ireland Party of 1848 was a Northern, and the leader of its extreme section a Northern and a Presbyterian.

<sup>‡</sup> "To Hell or Connaught with the Papists" was the alternative order of the Protector.

<sup>§</sup> Lord Clare, Irish House of Lords, 1800.



Lord Clare, "the whole property and power of the country have been conferred by successive monarchs of England upon an English colony, composed of three sets of English adventurers, who poured into this country at the termination of three successive rebellions. Confiscation is their common title, and from the first settlement they have been hemmed in on every side by the old inhabitants of the island, brooding over their discontents in sullen indignation." \*

Had England after the great confiscations governed Ireland with justice and wisdom she might have even yet attached the people of that country to her. But her policy was fatal to any such consummation. Before the wounds inflicted by her first depredations had been allowed to heal, fresh ones were given. The great confiscations were followed by the Penal Laws.† The attempts to exterminate the Irish race were followed by attempts to exterminate the Irish religion, and thus a two-fold cause for hating the Saxon was given to the old Celtic population. Such were the means and the policy by which the possessions and the power of the old inhabitants were transferred to the new comers, and the old inhabitants themselves reduced to bondage. "Is it not deplorable," said a politician of our own day not many years ago, speaking from his place in the House of Commons, "that only seven per cent. of

\* Irish House of Lords, 1800.

† The first penal enactment was passed by the English Parliament in 1691. Vide Lecky's "Leaders of Public Opinion in Ireland", p. 124.



the land of Ireland should belong to the Roman Catholics?" "How has such a state of things been effected," he asked, "but by the enactment of the most cruel, and—yes, I am not ashamed to state—the most infernal laws that have ever been enforced upon a people." These are not the words of an Irishman; they are not the words even of Mr. Bright, who in his zeal and earnestness to force upon successive English administrations the necessity of doing justice to Ireland, was sometimes deemed by a certain class of statesmen to have exceeded the bounds of moderation; they are the words of the late Secretary of State for the Home Department, now Lord Aberdare.\*

Bad as were the Penal Laws, it is doubtful if they pressed more heavily upon the tenant than the practice of landlordism in recent times. Under the penal code the Irish Papists were given leases for 31 years. Under the practice of modern landlordism they have not been given leases at all.† They have been forced to live and toil upon the land without security.

\* Vide Handsard's 3rd ser, vol. 195, p. 1990.

† Edmund Burke, speaking as to the effect of a thirty years lease, in stimulating the industry of the tenant, said: "A tenure of thirty years is evidently no tenure upon which to build, to plant, to raise enclosures, to change the nature of the ground, to make any new experiment which might improve agriculture, or do anything more than what may answer the immediate and momentary calls of rent to the landlord and leave subsistence to the tenant and his family." What would Edmund Burke have said to a system of tenancies at will?



Encouragement to industry they had none. Lessons in self-reliance and manly independence they were never taught. Left at the mercy and subject to the will of a lord claiming and exercising the prerogatives of a mediæval feudalism, they quickly sank to the condition of helpless serfs. I cannot help feeling that what Edmund Burke said of the Penal Laws may, with some measure of truth, be said of landlord feudalism in Ireland. "It is not easy, I think, to conceive a system," to use the words of Burke, "more fitted for the oppression, impoverishment, and degradation of a people, and the debasement in them of human nature itself," than that under which it has been the terrible lot of the Irish tenant farmer to live. Arthur Young, writing in 1776, thus describes what the relations of landlord and tenant were at that time: "The landlord of an Irish estate," he says, "inhabited by Roman Catholics, is a sort of despot, who yields obedience in whatever concerns the poor to no law but that of his will. A long series of oppressions, aided by many ill-judged laws, have brought landlords into a habit of exerting a very lofty superiority, and their vassals into that of an almost unlimited submission. Speaking a language that is despised, professing a religion that is abhorred, and being disarmed, the poor in many cases find themselves slaves, even in the bosom of written liberty. A landlord in Ireland can scarcely invent an order which a servant, labourer, or cottier dares to refuse to execute. Nothing satisfies him but an unlimited submission; disrespect, or anything tending towards sauciness, he may punish with his



cane or his horsewhip, with the most perfect security. A poor man would have his bones broken if he offered to lift his hand in his own defence."\* Individual landlords have, it is to be hoped, improved since the time when Arthur Young wrote, but the system under which the evils he described sprang up still remains with its demoralising and subjugating tendencies.

The following incident, related by Mr. Wakefield in his *Statistical and Political Account of Ireland*, will show that at a period subsequent to the days of Young the spirit of slavery still dominated the peasants of Ireland. It also marks those distinctive characteristics which separated them from the free-born and well-governed yeomen of England:—

"In the month of June, 1809, at the races of Carlow, I saw a poor man's cheek laid open by the stroke of a whip. The inhuman wretch who inflicted the wound was a gentleman of some rank in the country. The unhappy sufferer was standing in his way, and, without requesting him to move, he struck him with less ceremony than an English squire would a dog. But what astonished one even more than the deed, and which shows the difference between English and Irish feeling, was, that not a murmur was heard, nor a hand raised, in disapprobation."†

\* "Tour in Ireland," vol. iv., 126-128. Lord Macartney, writing about the same period, says: "If a Papist becomes a farmer he shall not cultivate or improve, his possession being discouraged by the short limitation of his tenure; and yet we complain of the dulness and laziness of a people whose spirit is restrained from exertion, and whose industry has no reward to excite it."

† Wakefield's "Statistical and Political Account of Ireland," vol. ii., 723.



Coming down to still later times, we find the condition of the Irish peasant farmer but slightly, if at all, ameliorated. I feel no hesitation in saying that previous to the Land Act of 1870 the position of the Irish tenant was that of a serf; and, despite the good and just spirit in which that enactment was conceived, his position is that of a serf still.\* The English public, I believe, have no idea of what landlordism in Ireland means. No experience of the relation of landlord and tenant in England can convey to the English mind what those relations portend in the sister isle. The mutual confidence of landlord and tenant, the common feeling of brotherhood and patriotism, and the consciousness of right, which in England supply the shortcomings of the law, and beget a sentiment of security, good-will, and trust between the contracting parties, are unknown in Ireland.

Nearly all the incidents of tenure are unlike in both countries.† The English landlord

\* Vide Speech of Mr. O'Hagan, Q.C., in the case of the Harenc Estates, Irish Reports, Chancery Division, p. 242.

† "The relative circumstances of landlord and tenant are not the same in Ireland as in England," said Lord Stanley, in 1845. "Every tenant farmer, on taking a farm in England, and, I believe, in Scotland," he added, "looks as a matter of course to the landlord to place the farm, before he enters, in tenantable repair—that is, in regard to the fences, the drains, the dwelling-houses and buildings, and, in short, in regard to all those things which in England are considered as the necessary accompaniments of a farm; but in Ireland the case is not only dissimilar, but exactly the reverse." There has been no change in the practice of landlordism in Ireland since Lord Stanley spoke



sinks capital in the land and makes improvements. The Irish landlord does not. The English tenant receives the land in good tenantable order; the Irish tenant does not. He receives the raw material, and, previous to the Land Act of 1870, could not obtain any compensation, on being turned out, for his outlay upon it. An Irish eviction is a thing *sui generis*.\* It

the foregoing words:—"With the English farmer, as a rule, the termination of his tenancy is, I believe, little more inconvenient or distressing than the ordinary 'Michaelmas flitting' of a town resident from one house to another. He has hired the use of a farm, with all its appurtenances, fixtures, and conveniences furnished in good order by the landlord, just as one might engage a fishing boat by the week or by the day, or rent a shooting, with cosy box or mountain lodge, for a season. Very far different is the case with the Irish tenant-farmer. As a rule, his farm has been to him and his forefathers for generations a fixed and cherished home. Every bush and brake, every shrub and tree, every meadow path and grassy knoll, has some association for him which is, as it were, a part of his existence. Whatever there is on or above the surface of the earth in the shape of house, or office, or steading, of fence or road, or gate or stile, has been created by the tenant's hand. Under this humble thatch roof he first drew breath and has grown to manhood. Hither he brought the fair young girl he won as wife. Here have his little children been born. This farm plot is his whole dominion, his world, his all; he is verily a part of it, like the ash or the oak that has sprung from its soil. Removal in his case is a tearing up by the roots, where transplantation is death. The attachment of the Irish peasant to his farm is something almost impossible to be comprehended by those who have not spent their lives amongst the class, and seen from day to day the depth, and force, and intensity of these home feelings."—"New Ireland," 6th edition, p. 119.)

\* "Ireland has been a land of evictions—a word which, I suspect, is scarcely known in any other civilized country."—Mr. Bright, Dublin, October 30, 1866.



is racy of the soil. The word clearance is in its Irish signification unknown in England or any other country. "In newly settled countries," says Mr. Butt, "land is said to be cleared when the forest is cut down, the jungle or the brushwood is removed, and the wild beasts are driven away. In Ireland the estates are 'cleared' when the human beings that encumber them are swept from the soil."\* Then there are the "rules of the estate," also a product of Irish landlordism. I believe if the rules which from time to time have been established and enforced in Ireland were introduced into this country a revolution would be the result. Let me give one or two specimens. On a certain well-known estate the tenants were forbidden to build houses for their labourers, the consequence of which was that men and women servants, no matter how great the number, had to live under one roof. I wish, when the English people dwell upon the habits of the Irish tenantry, and present those highly-coloured pictures of slovenliness, misery, and dirt so often associated in the English mind with the idea of an Irish peasant's home, they would pause to consider the character of the system under which the Irish tenant has for centuries been compelled to live. Upon this estate the tenants were not allowed to marry without the agent's permission. A young couple, upon one occasion, had the temerity to obey the instincts of their hearts rather than the commands of their feudal lord. They married without, the permission of the agent. The two fathers-in-law

\* "Land Tenure" in Ireland.



were punished for harbouring their son and daughter-in-law by the fine of a gale of rent, and the couple had ultimately to fly to America. Another rule was that no stranger could be lodged or harboured upon the estate, and several were warned and punished for giving lodging to a brother-in-law, or a daughter, or other connection or relative. One of the tenants sometimes gave a furtive lodging to his sister-in-law, whilst her husband was seeking for work. Once the poor woman was in low fever, and approaching her confinement. Even under such circumstances, his terror was so great that he removed her to a temporary shed, where she gave birth to a child. She remained there for some time. When the "office" heard of it, the tenant was sent for and compelled to pay a gale of rent as a fine, and to throw down the shed. Thus driven out, and with every tenant upon the estate afraid to afford her a shelter, the miserable woman sought refuge in a dry cavern some two miles up in an adjoining mountain, and lived there for several days. But her presence even there was a crime, and a fine of another gale was levied upon the tenant. His brother, who had a share in the mountain, was also fined as *particeps criminis*.\*

On another property the rule existed that two families could not live in the same house. An aged widow invited her daughter, who had lost her husband, to share her home. For this offence, although occupying a respectable position, she was evicted

\* "Godkin's Land War in Ireland," p 411 and seq.



from her farm, which she had occupied for half a century. I shall give one more instance of the "rules," as narrated in the *Times* of the day:—

"An order had gone forth on the estate (a common order in Ireland) that no tenant was to admit any lodger into his house. This was a general order. It appears, however, that sometimes special orders were given; and one was promulgated that Denis Shea should not be harboured. This boy had no father living. He had lived with a grandmother, who had been turned out of her holding for harbouring him. He had stolen a shilling, a hen—done such things as a neglected twelve-year-old famishing child will do. One night he came to his Aunt Donoghue, who lodged with Casey. The latter told the aunt and uncle not to allow him into the house, as the agent's drivers had given orders about him. The aunt beat him away with a pitchfork; the uncle tied his hands with cord behind his back. The poor child crawls to the door of a neighbour, and tries to get in. The uncle is called to take him away, and he does so. He yet returns, with hands still tied behind, having been severely beaten. The child seeks refuge in other cabins; but all were forbidden to shelter him. He is brought back by some neighbours in the night, who try to force the sinking child in upon his relation. There is a struggle at the door. The child was heard asking some one to put him upright. In the morning there is blood upon the threshold. The child is stiff dead—a corpse, with its arms tied; around it every mark of a last fearful struggle for



shelter—food—the common rights of humanity.”\* To shew that landlord feudalism in Ireland has not yet perished, and that inhuman orders are still issued by agents and obeyed, let me describe, in the words of the *Daily Telegraph*, an eviction scene which occurred in the County Sligo only last December. “Dempsey’s family,” says this leading organ of the Government, “have just recovered from fever, and it is stated there was no notice that the eviction would take place. No disturbance occurred. Further details from Balla state that the police, who were all under arms, avoided as much as possible attracting notice while on their way to Balla. The constabulary were drafted from various neighbouring towns to assist the sheriff and bailiff. Ten policemen were conveyed secretly from Claremorris in a vehicle to the scene of operations. The only occupants of Dempsey’s cabin when the police and sheriff, the agent, the bailiff, and others arrived, were five little children, the eldest seven years of age, their mother, and Dempsey’s mother-in-law, an old woman over eighty years of age. The bailiffs began the work by clearing the house of its occupants, afterwards proceeding to throw out the furniture. A strange scene occurred when the family had been put by the hedge on the roadside. A little boy, aged four years, began to scream, and then dashed back into the house, despite the efforts of the evicting party to prevent him. He was at once turned out, but the little fellow made

\* See “Times,” as quoted in “Godkin’s Land War in Ireland,” p. 413.



a frantic effort to get back, clinging to the wall until removed. The neighbours made a proposal to Dempsey to shelter him and his family in some of their houses until he could find a place of abode, but the agent sternly informed them that Dempsey should not be admitted into any of their houses, but left to seek shelter on the roadside. Dempsey and his family therefore passed the day shivering by the roadside. A small fire was built on the dreary bog alongside of the hedge, and around it the family huddled.”\*

When such have been the incidents of Irish landlordism, no wonder for Mr. Bright to have said in a burst of honest English indignation, “If Ireland were a thousand miles away all would be changed. Justice would be done, or the landlords would be exterminated by the vengeance of the people.”†

I shall leave it to those who know something of the history and character of the English people to say if the system which has given birth to such iniquities would be tolerated for any length of time in this free country. As the rules of an Irish estate are essentially the product of the Irish landlord’s or agent’s ingenuity, so the Irish eviction is peculiar to Irish soil. This word must not be understood as meaning the mere expul-

\* Dempsey was evicted for non-payment of one year’s rent, half of which was offered, but peremptorily refused.—“Freeman’s Journal,” Dec. 14, 1879. The statement of the “Telegraph,” was corroborated by the “Standard,” but it is only fair to add that the agent has denied its accuracy.

† Mr. Bright, as quoted in Hansard, April, 30, 1870.



sion of one or two tenants because they have failed to pay an increased rent, founded solely, to use the words of Mr. Gladstone, "upon the value which their labour and capital has added to the soil."\* In many cases it means the depopulation of a whole countryside because the landlord has formed an ineradicable dislike to the tenantry, or for reasons of personal advantage or convenience, decided on driving them from the homes of their ancestors.† Such were the cases of Glenveigh and Tullamore.

Those cases are well known, but I am tempted to reproduce Mr. Butt's terse and pathetic account of them:—

"A few years ago a gentleman purchased in the Landed Estates Court the property of one of the wildest and most beautiful of the highland districts of Ireland. In a valley almost separated from the rest of the world, round a primitive hamlet, there dwelt a peaceful population, who could have probably traced back their generations in the same spot to a period before the Plantation of Ulster. Differences arose between the new-comer and the old inhabitants. A man was murdered under circumstances which gave the new proprietor a pretext to say that it originated in this feud. Under the excuse of punishing the non-detection of the murderer, he 'cleared' his estate of every living soul. In vain the Protestant and Catholic clergy joined in a solemn

\* Vide Hansard, 3rd ser., vol. 199.

† "Ireland is a country from which thousands have been driven by the will of the land owners and the power of the law."—Mr. Bright's speech in Dublin, October 30, 1866.



protest against a sentence which they pronounced both as cruel and unjust. In vain they bore their testimony to the peaceful character of the little community whom that sentence doomed to a miserable fate. The proprietor was inexorable in his stern resolve. Nearly three hundred human beings were driven out without the prospect or the power of doing anything on God's earth to get them bread. Their mountain homes were levelled to the ground, and one great sheep farm occupies the district which gave shelter and bread to numbers of human beings."\*

The other case, which occurred in the King's County, Mr. Butt states thus:—

"A townland in one of the midland counties was inhabited by a prosperous and contented community. An estate of about five hundred acres was divided into about thirteen farms; thirteen thriving families occupied the ground. They paid a rent the full value of their farms. They paid that rent punctually. The families of some had occupied for centuries the same farms. The industry of themselves and their forefathers had given fertility to the soil. Crime was unknown among them. Disputes with their landlords they had none. It suited the convenience of their landlord to sell his interest in this estate. The purchaser was buying it to traffic in it, and he believed it would be more marketable if it were freed from the incumbrance of human beings. To effectuate this object the seller covenanted to clear the estate. The tenants, who had paid up every penny

\* Vide Mr. Butt's "Land Tenure in Ireland," and Mr. Sullivan's chapter on "Glenveigh," in "New Ireland."



of their rent, were all served with notice to quit; they were all evicted. Thirteen human habitations were levelled; the inmates turned out upon the world, reduced at once from comfort to absolute beggary. It so happened that in this instance the landlord adopted a course which enabled a jury to strain the law, and award these poor tenants ample compensation. But for the awkwardness with which the proceeding was carried out it might all have been done without the power of any human tribunal to take cognisance of the wrong. An accidental blunder in the process put in it the power of a jury of landlords, by the damages they awarded, to mark their sense of the moral character of the act.\*

I shall give one more instance—the celebrated Ballycohey case:—

“Ballycohey,” says Mr. Sullivan in “New Ireland,” “is a town in Tipperary county. . . . In the Summer of 1868 it was held by a considerable number of tenants whose forefathers had occupied the place for a hundred years. They were an industrious, peaceable, and kindly people; punctually paid their rent; and seemed to have got on quite smoothly with their successive landlords until Mr. William Scully a few years before this event became the purchaser of Ballycohey.” Mr. Sullivan then describes Mr. Scully—“He was a man of large wealth, and had extensive estates not only in Ireland but in America. Yet his career and character up to this

\* Report of the case of *Clarke v. Knox*, tried at Tullamore Spring Assizes, March, 1865.—Mr. Butt’s “Land Tenure in Ireland.”



more than justified the apprehensions of the Ballycohey farmers. In 1849 he was tried at Clonmel assizes for the shooting of two fine young men named Bergin, sons of a tenant whom he was evicting at Ballinclough; but he was acquitted on this charge. A like good fortune did not await him at the Kilkenny Summer assizes of 1865, when he was sentenced to twelve months' imprisonment for beating and wounding the wife of one of his tenants named Lehan while attempting to break into Lehan's house in the dead of night to serve some notice or make a seizure. His ideas of a landlord's right were strict, and his mode of enforcing them strong; *too* strong, the judge thought, and so sent him to Kilkenny county jail for a year's hard labour. In truth, he became the terror of the unfortunate tenantry who owned his sway. Mr. Scully framed a form of lease for the Ballycohey tenantry, refusal of which was to be the signal for their eviction. This was a most astonishing document. The tenants were always to have a half year's rent paid in advance; to pay the rent quarterly; to surrender on twenty one days' notice at the end of any quarter; to forego all claims to their own crops that might be in the soil; and they were to pay all rates and taxes whatsoever. Whoever refused to accept these terms must quit." Refused these terms were, and Mr. Scully, aided by the civil and military authorities, proceeded to enforce his despotic authority. The telegraphic despatch announcing the advance of Mr. Scully upon the homesteads of the tenant-farmers of Ballycohey was



couched in the following phraseology :—" Mr. William Scully, accompanied by a force of police and other armed attendants, again attempted to serve the ejectment notices on his Ballycohey tenantry to-day. A lamentable tragedy ensued. The tenants barricaded and loop-holed one of the houses, from which they poured a deadly fire on the attacking party. The police returned the fire, and fought their way into the house, which they found evacuated. Three of the police party are killed ; Mr. Scully is wounded in seven places—it is thought mortally. Four policemen are more or less seriously wounded. None of the tenantry were seen ; none of them seemed to have suffered. No arrests. Indescribable excitement throughout the whole district."\*

The following description of an eviction scene, given by an eye-witness, also faithfully depicts some of the terrible incidents of the war between landlord and tenant in Ireland :—"Seven hundred human beings," says the Most Rev. Dr. Nulty, Catholic Bishop of Meath, "were driven from their homes on this one day. There was not a shilling of rent due on the estate at the time, except by one man. The sheriff's assistants, employed on the occasion to extinguish the hearths and demolish the homes of those honest, industrious men, worked away with a will at their awful calling until evening fell. At length an incident occurred that varied the monotony of the grim and ghastly ruin which they were spreading all around. They stopped suddenly and

\* "New Ireland," sixth edition, p. 363, and seq.



recoiled—panic stricken with terror—from two dwellings, which they were directed to destroy with the rest. They had just learned that typhus fever held those houses in its grasp, and had already brought death to some of their inmates. They, therefore, supplicated the agent to spare these houses a little longer; but he was inexorable, and insisted that they should come down. He ordered a large winnowing sheet to be secured over the beds in which the fever victims lay—fortunately they happened to be delirious at the time—and then directed the houses to be unroofed cautiously and slowly. I administered the last Sacrament of the Church to four of these fever victims next day, and—save the above-mentioned winnowing sheet—there was not then a roof nearer to me than the canopy of heaven. The scene of that eviction day I must remember all my life long. The wailing of women, the screams, the terror, the consternation of children, the speechless agony of men, wrung tears of grief from all who saw them. I saw the officers and men of a large police force who were obliged to attend on the occasion cry like children. The heavy rains that usually attend the autumnal equinoxes descended in cold, copious torrents throughout the night, and at once revealed to the houseless sufferers the awful realities of their condition. I visited them next morning, and rode from place to place, administering to them all the comfort and consolation I could. The landed proprietors in a circle all round, and for many miles in every direction, warned their tenantry against admitting them to even a single night's shelter.



Many of these poor people were unable to emigrate. After battling in vain with privation and pestilence, they at last graduated from the workhouse to the tomb, and in little more than three years nearly a fourth of them lay quietly in their graves."\*

I believe these cases fairly illustrate the character of Irish evictions. "I would be sorry," says Mr. Gladstone, speaking in 1870, "to be driven to an examination of the character which in many cases Irish evictions have borne. I think that of the crimes arising out of those evictions no small number is to be traced to an interference with the fixed usages of the country and with what the people believe to be their rights—interferences which were in some cases imprudent, and which in others, without a doubt, deserve a much stronger epithet."† Nor can the Parliaments of England even in modern times be acquitted of all guilty participation in the misdeeds of the Irish landlords. The very first act of interference on the part of the English legislature with respect to the Irish Land Question was the passing of an Act in the reign of George III. for the purpose of facilitating evictions in Ireland at a time when the high prices after the great war were beginning to be felt, and the high rents could not be paid.‡ At a later period, Lord Chief Justice Pennefather, in the case of Delapp and Leonard, in 1843, used the following

\* "New Ireland," sixth edition, p. 121.

† Hansard's, April 30, 1870.

‡ 56 George III, c. 18, and Mr. Gladstone's speech in the House of Commons, April 30, 1870.



words:—"The whole code relating to landlord and tenant in this country was framed with a view to the interests of the landlord alone, and to enforce the payment of rent by the tenants. The interest of the tenants never entered into the contemplation of the legislature." Mr. Gladstone, in 1870, reverting to the previous interferences of the legislature in the question of land tenure in Ireland, said: "In many instances those interferences have been unhappy to the occupier, and in some they have been something more than unhappy. I cannot but fear they have partaken of injustice." "We have," he continued, "simplified the law against him (the tenant). We have made ejectments cheap and easy, and notices to quit have descended upon the people like snow-flakes."\*

Out of these notices to quit and evictions, the fruits of landlordism, have originated all the crimes which disfigure the social history of Ireland.† There is nothing so saddening to an Irishman as to reflect upon the prevalence of those agrarian outrages. They constitute the one blot upon the otherwise stainless reputation of a virtuous and kind-hearted peasantry. It is not unreasonable that Englishmen unacquainted, as the most of them are, with the circumstances of Ireland should comment severely upon the existence of these offences. The ordinary Englishman, without any knowledge of Irish history

\* Hansard, 3rd ser., vol. 199, p. 347.

† Lord Russell, as quoted by Mr. Gladstone, vide Hansard, 15th February, 1870.



or Irish social life, cannot distinguish between the act of the peasant who, in a state of desperation, shoots his landlord from behind a hedge, and the conduct of the disciplined ruffian who in London or Manchester makes criminal pursuits the business and object of his life. But calm reflection would show that Irish agrarian offences arise from different motives and require different means of prevention.

“Why were not these men apprehended?” said Mr. Bright upon one occasion, alluding to the escape of certain agrarian offenders. “The first thing,” he continued, “that ever called my attention to the state of Ireland was the reading an account of one of these outrages. I thought of it for a moment, but the truth struck me at once, and all I have ever seen since confirms it. When law refuses its duty, when Government denies the right of the people, when competition is so fierce for the little land which the monopolists grant to cultivation in Ireland, when in fact millions are scrambling for the potato—these people are driven back from law and from the usages of civilization to that which is termed the law of Nature, and if not of the strongest, the laws of the vindictive; and in this case the people of Ireland believe, to my certain knowledge, that it is only by these acts of vengeance periodically committed that they can hold in suspense the arm of the proprietor, of the landlord, and the agent, who, in too many cases, would, if he dared, exterminate them. Don't let us disguise it from ourselves—there is a war between landlord and tenant—a war as fierce and



relentless as though it were carried on by force of arms."\*

A Protestant clergyman, the Rev. Mr. Mortimer O'Sullivan, a distinguished member of Trinity College, Dublin, thus spoke in 1834:—

"A gallant general, Sir Hussey Vivian, has expressed his amazement at the indifference to crime and the insensibility of conscience to the guilt of murder which he regards as a characteristic of the disturbances prevailing in Ireland. This peculiar and abominable characteristic he confessed himself incapable to understand or explain. It has, however, an explanation, and but one. The atrocities committed in these disturbances are not, as they have been called, 'driftless and desultory;' they are incidents in a systematic war—a war which is wasting the country by slow combustion; or they are the punishments inflicted by competent and acknowledged authority. Conscience is no more concerned in them than in the case of a public execution, or in the crowning charge at Waterloo. What to the uninstructed seem assassinations or perjuries are to the organised peasantry in Ireland no more than successful ambuscades and military stratagem."†

\* Mr. Bright, as quoted in Kay's "Social Condition of the European People," vol. i., p. 317.

† Speech of the Rev. Mortimer O'Sullivan, Dublin "Evening Mail," Sept. 10th, 1834. An author who cannot be credited with any very friendly feeling towards the Irish people wrote this in 1877.

... The landlord may become a direct oppressor. He may care nothing for the people, and have no object but to squeeze the most that he can out of them fairly or unfairly. The Russian



So it was when the law refused its duty—when the English legislature turned a deaf ear\* to the complaints of the Irish people, and, indeed, to the representations of English statesmen themselves of the John Bright type—the Irish tenant was left no alternative but to wage a fierce and relentless war against (as he believed, and had good reason for believing,) the enemies of his country and the despoiler of his hearth.

But, it is said, all those disturbances, crimes, and discontents prevail only in the South. In the North all is prosperity, happiness, and peace. Why, it is asked. And the answer is invariably given, because the Northerners spring from a different race, and belong to a different religion. The Northern is an Anglo-Saxon and a Protestant, the Southern is a Celt and a Papist. The prosperity of the one district is traceable to Protestant energy, and the

Government has been called despotism, tempered with assassination. In Ireland landlordism was tempered by assassination. . . . Every circumstance combined in that country to exasperate the relations between landlord and tenant. The landlords were, for the most part, aliens in blood and in religion. They represented conquest and confiscation, and they had gone on from generation to generation with an indifference for the welfare of the people which would not have been tolerated in England or Scotland. The law had to interfere at last to protect the peasantry in the shape of Mr. Gladstone's Land Act—the best measure, perhaps the only good measure which has been passed for Ireland for the last 200 years. (Froude's "Short Studies on Great Subjects," vol. iii., p. 287).

\* "Their complaints have been met—complaints of their sufferings have been met—often by denial, often by insult, often by contempt." (John Bright, House of Commons, Oct. 17, 1866.



poverty of the other to Catholic indolence. I must not be understood as intending to detract in the slightest degree from the splendid qualities of my Anglo-Saxon and Protestant fellow-countrymen when I say that this explanation, as it appears to me, is founded upon a grave misconception of fact and an unwarrantable reading of history.

Who and what, may I ask, are the prosperous peasant proprietors of France? Celts and Catholics. And what country in the history of the world presented so splendid a spectacle of independence and public spirit as France, when, after a crushing war, her people, in the twinkling of an eye, and with apparent ease, discharged one of the heaviest mulcts ever inflicted by a conqueror upon a prostrate and exhausted nation? Who and what are the inhabitants of the model little kingdom of Belgium, now the rival of England in some of the foremost branches of trade? In Prussia to-day, I believe I am justified in saying that the Catholic provinces of the Rhine, Westphalia, and Silesia are as rich and prosperous as the Protestant districts of Pomerania and Brandenburg.

But look at the Irish Catholics themselves in the colonies, in America, and in England. Are they indolent and law contemning? Let Mr. Bright answer. "It is notorious," he says, "that when the Irish come to England, or remove to the United States, or the colonies, they are about the hardest working people in the world. We employ them down in Lancashire, and, with the prospect of good pay, they work about as well, and are as trustworthy,



and quiet, and well disposed to the law, as the people of this country.”\*

But, is there any justification in what one sees in Ireland herself for the impeachment of the Celtic race and the Catholic religion? Have the Celtic and Catholic provinces a monopoly of the crime committed in the country? Let Mr. Gladstone answer. Having alluded to the fact that Connaught was the most Celtic and the most Catholic province in the island, and Ulster the most Protestant and Anglo-Saxon, the right honourable gentleman goes on:—“But in Ulster the ratio of agrarian crime to evictions is far higher than in Connaught.” “Indeed,” he adds, “in no part of Ireland is the ratio of crime so low as in the counties where the Celtic blood is unmixed.”† Again, are the Catholics of Ulster to receive no credit for the share which they contribute towards the prosperity of the North? It seems to me that many of our English friends are under the impression that there are very few, if any, Catholics at all in the North. What are the facts? According to the last census, the religious population of Ulster was composed of—

Catholics,	...	...	894,525
Episcopalians,	...	...	398,705
Presbyterians, &c.,	...	...	522,774
Other denominations,	...	...	14,331 ‡

\* Between 1848 and 1864 the Irish emigrants in the United States remitted to their friends and relatives in Ireland £13,000,000.—John Bright’s Speech in Dublin, Oct. 30, 1866.

† House of Commons, Feb. 15th, 1870.

‡ Thom’s Dublin Directory, 1878.



Thus it will be seen that the Catholics had a majority over every other sect, and that as against all combined they were in a minority of only 41,285.

The statistics of the employment show the value of the Catholic factor in northern prosperity. As we all know, the staple trade of Ulster is the linen manufacture, and we find that amongst the persons employed in it 43 per cent. are Catholics \* This, I think, is a proportion, worthy of being borne in mind when reference is made to the progress of Ulster. With reference to the agricultural districts, the census of 1871 gives the following tables of the religious persuasions of the population in the undermentioned counties. It also shews the religious population of some of the principal towns :

#### ANTRIM COUNTY.

Catholics,	...	...	55,640
Disestablished Church,	...	...	45,670
Presbyterians,	...	...	122,918
Methodists,	...	...	3,287
All other Denominations,	...	...	8,846

#### ARMAGH COUNTY.

Catholics,	...	...	85,057
Disestablished Church,	...	...	58,343
Presbyterians,	...	...	28,344
Methodists,	...	...	4,579
All other Denominations,	...	...	2,937

\* Vide Godkin's "Land War in Ireland," p. 402.



## BELFAST MUNICIPAL BOROUGH.

Catholics,	...	...	55,575
Disestablished Church,	...	...	46,423
Presbyterians,	...	...	60,249
Methodists,	...	...	6,775
All other Denominations,	...	...	5,390

## CARRICKFERGUS, COUNTY OF THE TOWN OF

Catholics,	...	...	995
Disestablished Church,	...	...	1,623
Presbyterians,	...	...	5,455
Methodists,	...	...	366
All other Denominations,	...	...	958

## CAVAN COUNTY.

Catholics,	...	...	113,174
Disestablished Church,	...	...	21,223
Presbyterians,	...	...	5,004
Methodists,	...	...	1,056
All other Denominations,	...	...	278

## DONEGAL COUNTY.

Catholics,	...	...	165,270
Disestablished Church,	...	...	27,125
Presbyterians,	...	...	23,080
Methodists,	...	...	1,041
All other Denominations,	...	...	1,041

## DOWN COUNTY.

Catholics,	...	...	88,003
Disestablished Church,	...	...	60,868
Presbyterians,	...	...	116,017
Methodists,	...	...	3,663
All other Denominations,	...	...	8,743



## FERMANAGH COUNTY.

Catholics,	...	...	57,876
Disestablished Church,	...	...	35,072
Presbyterians,	...	...	1,813
Methodists,	...	...	3,794
All other Denominations,	...	...	239

## DERRY CITY.

Catholics,	...	...	13,821
Disestablished Church,	...	...	5,124
Presbyterians,	...	...	5,451
Methodists,	...	...	275
All other Denominations,	...	...	571

## DERRY COUNTY.

Catholics,	...	...	63,537
Disestablished Church,	...	...	26,955
Presbyterians,	...	...	53,328
Methodists,	...	...	682
All other Denominations,	...	...	4,162

## MONAGHAN COUNTY.

Catholics,	...	...	84,345
Disestablished Church,	...	...	15,641
Presbyterians,	...	...	13,914
Methodists,	...	...	493
All other Denominations,	...	...	283

## TYRONE COUNTY.

Catholics,	...	...	119,937
Disestablished Church,	...	...	49,209
Presbyterians,	...	...	3,115
All other Denominations,	...	...	1,357*

\* The Ulster Custom was originally established in Donegal, Tyrone, Derry, Cavan, Armagh, and Fermanagh, which are the most agricultural districts. It gradually was extended to Antrim, Down, and Monaghan.



How comes it then, we may be asked, that Ulster should be prosperous and contented whilst the other provinces of the island are the reverse? It should scarcely be necessary, after all that has been written and said on the subject, to speculate as to the cause of Ulster's prosperity. The cause has been stated over and over again, and I cannot help apologising for repeating a thrice-told tale. The prosperity of the North is mainly attributable to the security enjoyed by the Northern farmers under the Ulster custom of Tenant-Right,\* and to the energizing influences it naturally creates, whilst the poverty and disaffection of the South is due to the insecurity felt, and the demoralisation and recklessness produced by a system of tenancies-at-will,† with, "the lavish and pitiless notices to quit" which have been and are its incidents. The evidence given before the Devon Commission and elsewhere with reference to the effect of the Ulster custom is decisive on the subject. Mr. Senior, late Commissioner of Poor Laws in England, stated as follows, when examined before a committee of the House of Com

\* Mr. Handcock, an extensive land agent in the Province of Ulster, thus defines tenant right :—"Tenant right," he says, "I consider to be the claim of the tenant and his heirs to continue in undisputed possession of the farm so long as the rent is paid; and, in case of an ejectment, or in the event of a change of occupancy at the wish of either landlord or tenant, it is the sum of money which the new occupier pays to the old one for the peaceable enjoyment of his holding."—Mr. Handcock, as quoted by Mr. Butt in his "Land Tenure in Ireland," p. 50.

† "Out of 600,000 tenants in Ireland 500,000 are tenants-at-will."



mons respecting the effect of this custom :—" I attribute almost entirely to the custom of tenant-right both the absence of agrarian outrage in the North as well as a much higher cultivation in that part of the country." " I think it but fair," he added, " that where everything which is done by the landlord in England is done by the tenant in Ireland the out-going tenant should receive the value of the capital he has laid out."\*

Mr. Porter, a Presbyterian clergyman, said :—" There are just three instances in which there were agrarian outrages committed since I settled in this county, and these originated in the total denial of tenant-right?"

Mr. M'Cartan, a land agent to a dignitary of the Established Church, deposed :—" There have been a few, not many, agrarian outrages in the County Down. I think they can be clearly traced to disputed tenant-right, where the landlord refused to acknowledge it."

Mr. Hancock says :—" In fact, tenant-right is one of the sacred rights of the country, which cannot be touched with impunity ; and if systematic attempts were made amongst the proprietors of Ulster to invade tenant-right, I do not believe there is force at the disposal of the Horse Guards sufficient to keep the peace of the province."\*

\* Evidence before the Committee on Townlands Valuation.

† " When the Marquis of Donegal upon one occasion refused to renew the leases on his estate, some of the tenants rebelled and were taken to jail ; whereupon 50,000 persons marched into the town of Belfast and took them out. The Protestant juries



Mr. Andrews, agent to Lord Londonderry, says :—  
 “ A curtailment of tenant right cannot be carried out without danger to the peace of the country. You would have a Tipperary in Down if you attempted to carry it out.” Mr. John Lindsay, a magistrate in County Down, says :—“ Some landlords recognise tenant right, and some do not ; but where they do not recognise it they are very generally defeated, and have been obliged to do it, after risking life in some instances, in my neighbourhood.”

I hope any fair-minded Englishman who may do me the honour of reading this pamphlet may now be able to understand how it is that the North is so quiet, and the South the reverse.\*

After such evidence we cannot be surprised at even the late Chief Justice Whiteside saying: “ If the existence of what is called tenant-right be productive of good in Ulster, the principle should be fearlessly applied to the other provinces.”

But I am afraid the time is gone by when the extension of the Ulster Custom to the other provinces would be accepted by the people of Ireland as a settlement of the Land Question. Had such a concession been made in 1870 there might be no land agitation in Ireland to-day. But the opportunity was lost. No blame to Mr. Bright or Mr. Gladstone. They went as far as they dared.† But

acquitted the men—first in Ulster and afterwards in Dublin, to which city the venue had been removed by the Government.”—  
 “ Gordon’s History of Ireland.”

\* Vide the Devon Commission, 1845.

† Mr. Gladstone has not been the only English statesman who



beneficently designed as was the Land Act, it has failed, as it was feared it would, to pacify Ireland. The main features of the Land Act were the sanction of law given to the Ulster Custom; the establishment of the principle of the landlord's liability to give an evicted tenant compensation for improvements, and, in certain cases, for disturbance; the facilities afforded for the creation of a peasant proprietary by the Bright Clauses, which authorised the State to advance three-fourths (ultimately reduced to two-thirds) of the purchase money to tenants desirous of buying their holdings from landlords willing to sell.\* In a country where more friendly relations existed between landlord and tenant than in Ireland this Act would have been all-sufficient for the purposes to effect which it was passed. But in Ireland it was received with gloomy discontent and sinister

was unable to go as far as he wished in doing full justice to Ireland in consequence of the opposition which, by so doing, he would have to encounter from his own countrymen. Sir Robert Peel, when he resigned office upon one occasion, admitted candidly that Ireland was his great difficulty, not because he had not done his best to deal with it, but because of the party that sat behind him, and the stolid opinion which then prevailed widely in the country, that he dared not propose to Parliament the measures which he knew were essential to the pacification of Ireland. He knew that if he proposed them he would have been driven from the leadership of his party." (Vide Mr. Bright's Speech at Rochdale, December 23, 1867).\*

It is but fair to note that Mr. Gladstone's great difficulties were rather from his opponents than his followers, though many of the latter were but lukewarm supporters of his Irish policy.

\* Vide 33 and 34 Vic., c. 46, ss. 43-4.



designs by the class which felt themselves aggrieved by its provisions. Efforts were made constantly to evade its enactments, and to render it inoperative. In the first instance, the question was raised that whilst purporting to legalise the Ulster Custom it had not in fact done so; and a decision of the Irish Court of Appeal affirmed this proposition.\* In the next place the landlords endeavoured to induce the tenants to contract themselves out of the Act;† and, moreover, in the insane competition for land an intending tenant was often tempted to offer to the landlord an exorbitant rent, which made it worth the latter's while to evict the present occupier, and to take his chance as to what the decision of the Courts might be with reference to the question of compensation.

It was stated by Mr. Patrick Martin in the House of Commons last session that upon Lord Darnley's property agreements were forced upon the tenantry, according to which a tenancy from year to year was created, determinable at six months' notice, all the tenants' improvements being forfeited to the landlord,

\* The Act had to be ultimately amended to meet the difficulties thus raised.

† Sec. 12 of the Land Act (33 and 34 Vic., c. 46) provides that a tenant of a holding which is not proved to be subject to the Ulster tenant right custom or certain other specified usages, whose holding, or the aggregate of whose holdings, in Ireland is valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not less than £50, shall *not be entitled to make any claim for compensation under any provision of this Act in cases where the tenant has contracted, in writing, with his landlord that he will not make any such claim.*



and on the death of the tenant no interest was transmissible to his personal representatives.\* The "Leinster" leases have become a precedent for evading the Land Act. In cases of this nature when the tenants are poor and struggling, as unhappily is the rule in Ireland, they have no alternative but to stick to the land under any conditions, and to trust in the future. On the Gormanstown property the tenants had been evicted, because they would not sign agreements which the Chairman of Meath considered unfair, as depriving them of the right to compensation for improvements. A sinking man will clutch at a straw; but it is the duty of the Government to take care that the sinking tenantry of Ireland will have something more substantial and reliable to cling to than the uncertain and perilous props vouchsafed to them under the present system.

The Bright Clauses, by reason of the defective machinery employed for working them, and the general disposition of the landlords to make them ineffective, have not been attended with anything like the success they deserve, and were meant to accomplish. The great objects of the Act—to discourage the imposition of exorbitant rents and to prevent arbitrary evictions and agrarian crime—have thus been frustrated. Hardly one of the good intentions designed by it has been effected. Rents have been raised as much as ever; evictions have increased; and agrarian crime, as a necessary consequence, has not disappeared.

\* Hansard, 3rd ser., vol. 234, p. 14.



The following incidents of rack-renting were brought under the notice of Parliament in 1877 by The O'Donohue, M.P. :—

#### THE HARTE ESTATE.

Upon this property a tenant named John Warnock held a farm at the yearly rent of £10 18s. The entire holding had been reclaimed by himself and his father. The rent was raised to £15. The tenant was not able to pay. A notice-to-quit was served. The case came before the Quarter Sessions Chairman, who suggested that the tenant should pay £12 10s. 3d. Warnock was unable to comply with the suggestion, and appealed to a superior court judge. The judge suggested, by way of compromise, that Warnock should pay £11, and this Warnock agreed to do rather than leave the land. But the agent would not consent to the compromise. The learned judge, in the course of the case, said that he did not see the justice of charging a man an increased rent when he had reclaimed the holding and put up all the buildings.

#### LORD GORMANSTOWN'S PROPERTY, MEATH.

On this property there seems to have been considerable rent-raising. The tenants at first resisted, but when four were evicted the rest had to succumb. The increased rent was largely over Government Valuation.

#### CAPTAIN HUMPHREY'S PROPERTY, KILKENNY.

In the management of this estate the following



facts have been disclosed with reference to the holdings of the undermentioned tenants:—

1. WILLIAM TYNDALL—

Government Valuation of his holding, including buildings erected by the tenant,	£34	0	0
Present rent (1877), ...	49	0	0
Rent demanded, ...	76	0	0

2 JAMES POOL—

Government valuation, &c.,...	£37	0	0
Present rent, ...	57	17	10
Rent demanded, ...	77	4	0

3. WIDOW SHELLEY—

Government valuation, &c ,...	£14	0	0
Present rent, ...	20	14	6
Rent demanded, ...	29	4	4

4. THOMAS LAWLOR—

Government valuation, ...	£12	0	0
Present rent, ...	16	16	0
Rent demanded, ...	25	0	0

5. ROBERT SHANE—

Government valuation, ...	£33	0	0
Present rent, ...	53	0	0
Rent demanded, ...	68	0	0

Upon the property of Mrs. O'Brien, of Ballinasloe, eleven tenants were (in 1877) under notices to quit



for refusing to pay an increased rent. One of them was a man named Killan. The Government valuation of his holding was £13 10s. 0d.; the present rent, £23 15s. 2d.; the rent demanded, £43. The O'Donoghue stated that an increase of rent varying very little from the above was demanded in the other cases, and he added that in all instances the improvements had been effected by the tenants.\*

When these cases were brought under the notice of the House of Commons it was stated that the alternative left to the tenants was to pay or to quit.†

It is scarcely necessary for me to refer to the celebrated Mitchelstown case. This property, consisting in the time of Lord Kingston, the former owner, of a barren mountain, was bought in the Landed Estates Court for eight and a half years' purchase by an English Company. It ultimately came into the hands of an English gentleman. Under the company's management the rental of the property had been £4,000 a year. Under their successor the income was quickly raised to £8,000 per annum. As a matter of course, many of the tenants, who had sunk whatever little capital they had in the soil, were wholly unable to pay the increased rents. Much litigation arose out of the transaction, and the judges before whom the case was tried characterised the proceedings as "high-handed and oppressive," and the most "unjustifiable" that had ever come under their notice.

\* Hansard, 3rd ser., vol., 234, p. 41.

† Hansard, 3rd ser., vol. 234, p. 41.



As well might be expected from this condition of things, evictions have continued. Mr. John George MacCarthy, M.P., made the following statement in the House of Commons last Session:—"In the three years before the Land Act the number of ejectments brought on notices to quit in Ireland was 4,253. In the three years subsequent to the Land Act the number was 5,641, thus showing an increase of 1,388. In the subsequent year 8,439 such notices were served. There are no more recent returns, but, taking the average, 20,000 such ejectments have taken place since the right hon. gentleman, the member for Greenwich, has made his great effort to stay them."\*

Whilst such has been the condition of things with respect to evictions, the statistics relating to agrarian crime shows an improvement. The following is the return of such offences from 1870 to 1876:—

NUMBER OF AGRARIAN CRIMES.

1870	...	...	...	...	767
1871	...	...	...	...	1329
1872	...	...	...	..	373
1873	...	...	...	...	256
1874	...	...	...	...	213
1875	...	...	...	...	136
1876	...	...	...	...	212†

Since the passing of the Land Act the Peace Preservation Act has been for several years in force in

\* Hansard, 3rd ser., vol. 246, p. 349.

† Police Returns, as quoted in Hansard, April 12, 1878.



Ireland. The fact shows that whilst the Land Act may have done, and unquestionably has done, immense good in many cases, yet, that inasmuch as it did not specifically give the tenant absolute security in his holding as long as he paid a fair rent, and thus restrain the cupidity of the landlord, it fell short of consummating the grand object of its conception—the pacification of the country. Indeed Lord Carlingford, one of the framers of the Act, has admitted that the power given by the Act to the landlord of raising the rent to an unlimited extent is one of its weak points.\* The landlord, in fact, evicts as much as ever, raising his rents exorbitantly, and confiscating the improvements of his tenants.†

Thus it is we find, within ten years from the passing of the Land Act an agitation in Ireland more vigorous, determined, and extreme than any which has preceded it. The question arises what is now to be done?

I believe the people of Ireland will now accept no settlement of the Land Question which does not include a scheme for the establishment of a peasant proprietary. I know it is said that the tenantry of

\* Lord Carlingford, as quoted by Mr. Butt, Hansard, 3rd Ser., vol. 234, p. 95.

† “Mr. Edward W. O’Brien, an unimpeachable authority and a large land owner in the south of Ireland, said that security under the Act of 1870 for the tenants’ improvements totally broke down, and that the Act provided no guarantee, direct or indirect, that the rent should not be screwed up until the tenant was reduced to the verge of ruin, and the value of his improvements became the property of the landlord.” (Mr. O’Brien, as quoted by Mr. Butt. Hansard 3rd ser., vol. 230., p. 711.



Ireland do not desire to become peasant proprietors and that they would prefer a system of long leases at fair rents. This may be true of many tenants, but it is not, I think, true of the majority. The working of the Bright Clauses has been referred to as a test upon this point. It is certainly true that those clauses have not been made use of to such an extent as might have been, and no doubt was, expected in 1870; and the fact has been attributed to the absence of a pride of independence and a public spirit in the country. Supposing this assumption—for it is only an assumption—to be true, is it to be wondered at that a pride of independence and a public spirit, the characteristics of nations accustomed to freedom, should be found wanting amongst a people inured to the existing system? But, as a matter of fact, are there any grounds for this assumption? Is it not now admitted by the majority of persons who have inquired into the matter that the Bright Clauses have mainly failed through the imperfection of the machinery employed to carry them out, and an absence of any desire or will on the part of the officials engaged in the working of this machinery to make them a success.\*

The truth is, the unfortunate tenants—labouring under many original disadvantages of habit, training and capacity, the result of the evil system under which they were brought up—found fresh obstacles thrown in their way in the working of those well-meant and statesmanlike clauses. Single-handed, as it were, the untutored peasants of Wicklow, Kerry,

\* Vide Reports of Select Committee on the Land Act, July, 1877, and June, 1878.



Tipperary, and Meath had to contend with the officialism of the Landed Estates Court, where no facilities whatsoever were afforded them; the red-tape of the Board of Works—an office to which, in the opinion of Mr. Shaw Lefevre, the palm for obstruction ought to be awarded; and the covert opposition of the landlords. Despite all, I think the efforts of the tenants to realise the objects of the Bright Clauses have been creditable, and they certainly afford very slight materials for founding an argument in support of the contention that the establishment of a peasant proprietary would not be well received in Ireland.

The number of purchases since 1870 has been no doubt comparatively small—but 574 cases in all, £6,000,000 worth of property having been sold; the total amount of purchase money being £598,773; the amount advanced by the Board of Works being £357,548. But there were also efforts made upon the part of the tenants to purchase which were unhappily baffled. There was the case of the Wicklow Mountain Estate, mentioned by Mr. Fay in the House of Commons, where the tenants had offered 28 years' purchase though the land was bad. A nobleman, however, who wanted the property for shooting purposes, offered 30 years' purchase, and became the owner.

Then there was the case of the

#### DOMVILLES' ESTATE.

Most of the occupying tenants upon this property were desirous of purchasing their holding\*—one of

\* Irish Law Reports, 11 Equity.



them, John Dignam, instructed a solicitor to take steps under the Bright clauses for having afforded to him, by the formation of lots for sale or otherwise, all reasonable facilities in accordance with the spirit of the Act. On the 15th July, 1874, Dignam (accompanied by his solicitor) and several other tenants attended before one of the Examiners of the Court, and applied to him to form their holdings into separate lots. The Examiner consented to grant the application provided that Dignam would undertake to bid for his holding the sum of £8,600, and this undertaking Dignam gave. The sale was advertised for the 18th of June. On the 31st of May previously, Dignam had an appearance entered for himself in the Court, and besides he wrote to the solicitor having carriage of the sale, offering to privately purchase his holding for £10,215, being about 25 years' purchase.

Fifteen other occupying tenants also made private offers for the purchase of their holdings. But, meanwhile, a Mr. Dunville made a private offer of £54,000 for the purchase of the entire estate. The owner having favourably entertained Dunville's offer, the tenants withdrew, except Dignam, who still made a vigorous effort to purchase his holding. He increased his offer to £11,200 upon the agents of the property stating that his holding had been valued at that price, but the offer was not accepted. Subsequently Mr. Dunville increased his offer to £57,000, and became the purchaser. Thus the spirited and expensive efforts of Dignam were defeated, and the object of the Bright clauses unhappily frustrated.



## THE HARENC ESTATE.\*

The petition for sale in this case was presented on the 15th March, 1876. On the 2nd November, 1877, fifty-one of the tenants attended personally before the Examiner, and six others by their solicitors, with proposals. Meantime a private agreement had been entered into between the trustees of the property and a Mr. Goodman Gentleman, by which it was arranged that the entire estate should be sold to Mr. Gentleman for £65,000. Upon hearing this a man named Griffin offered, in the interests of the tenants, £75,000. At this juncture Mr. Hussey interposed, and offered £80,000. These various offers came before the Landed Estates Court Judge, and Griffin, having been advised of Hussey's offer, stated that he was prepared to give a sum over £80,000 if the amount would be accepted there and then, and the sale to the tenants confirmed. This proposal the trustees would not accept; subsequently Hussey offered £80,500. Thereupon the trustees applied that the sale should be confirmed to him. Whilst this application was under the consideration of the Court, two friends of the tenants, Messrs. Lombard and Murphy, of Dublin, offered £81,000, and demanded that the sale should be confirmed to them; and so confirmed it accordingly was, by the Landed Estates Court Judge, against the protestations of the trustees, who preferred selling, even at a lower figure, to Mr. Hussey. From the decision of the Landed Estates Court Judge the trustees ap-

\* Irish Law Reports, 1 Chancery Division, p. 242.



pealed, stating that as they had the absolute power of disposing of the estates, and as, moreover, all the *cestuique trusts* were in favour of the sale being confirmed to Mr. Hussey, effect ought to be given to their wishes. On the part of the tenants it was contended that as the trustees, acting for the *cestuique trusts*, suffered no loss, but would, on the contrary, be benefited by the confirmation of the sale to the tenants, it was the duty of the Court to give effect to the spirit and objects of the Act, which were, in the words of Mr. O'Hagan, "to transform 'serfs' into land owners," and to uphold the decision of the Court below. This, however, the Court of Appeal declined to do, and the property was finally handed over to Mr. Hussey for £80,500, or £500 less than the tenants, through the strenuous exertions of their friends and their own efforts, had been able to offer.

There have been other cases of a similar kind, I think, but I shall not now go into them. I do not think that tenants should allow themselves to be cast down by those reverses, but it is impossible to deny that the effects produced by them are disheartening, especially to a tenantry whose spirit has been broken by centuries of oppressive and demoralising laws. "There are," says Mr. Bright, speaking in the House of Commons last May, "scores of thousands of tenants in Ireland at this moment who would be anxious to buy their farms if those clauses had been as effectual as we proposed to make them."\* The moral of those cases is, not that

\* Hansard, May 2, 1877.



censure is to be cast upon the Landed Estates Court—as a judicial tribunal it has no doubt done its duty—but that the objects to effect which the Bright clauses were passed must be legislated for over again, and a more workable and congenial institution than the Landed Estates Court brought into existence to give them fair play.

It is hardly necessary, I think, to dwell upon the benefits which the establishment of a system of peasant proprietors would confer upon Ireland. Wherever this system has been tried, it has been successful, as the condition of the peasant proprietors on the Continent proves, and there is no reason for supposing that Ireland would form an exception to the general rule. On the contrary, the system of small tenancies, which prevails in that country, and is likely always to prevail there, affords a conclusive argument in favour of the proposal. Arthur Young and other eminent authorities concur in the view, and the experience of the Continent demonstrates, that small farms can only be effectually and beneficially worked when the workers are the owners of them. The description given by Young of the miserable condition of the small tenants in France, as compared to the affluent circumstances of the small owners, bears important testimony to the justice of this view. But in Ireland to-day, wherever the experiment has been tried under the Bright's Clauses, the results have been, to use the words of Mr. Bright, "not only encouraging, but delightful."\*

\* "This statement of Mr. Bright has been corroborated by the

