

W. J. R. Falkiner Esq.

COUNTY ANTRIM

CONSTITUTIONAL ASSOCIATION

(DISTRICT OF CRUMLIN).

Public Meeting of the Association,

HELD AT GLENAVY,

October 12th, 1875.

LECTURE ON THE LAND QUESTION,

BY

FREDERICK R. FALKINER, Esq., Q.C.

BELFAST :

PRINTED AT THE "NEWS-LETTER" STEAM-PRINTING HOUSE,
55, 57, & 59, DONEGALL STREET.

1875.

COUNTY ANTRIM CONSTITUTIONAL ASSOCIATION.

—o—

A MEETING of the Crumlin District Tenant Farmers' Constitutional Association was held on Tuesday evening, October 12, at six o'clock, in the Protestant Hall, Glenavy, for the purpose of hearing Frederick R. Falkiner, Esq., Q.C., deliver a lecture on the present aspect of the law of landlord and tenant, the protection it affords, and the amendment it requires. There was a very large attendance, the spacious hall being filled in every part. Amongst those present were—James Chainé, Esq., M.P.; Hon. Edward O'Neill, M.P.; Claude L. Capron, Esq., J.P.; Thomas E. Smyth, Esq., J.P.; Charles E. M'Clintock, Esq., J.P.; Wellington Young, Esq.; David Beatty, Esq., J.P.; Redmond Jefferson, Esq.; Arthur Mussen, Esq., M.D.; Rev. Joseph Hamilton Bennett; Messrs. John M'Bride, Samuel Young, William M'Connell, James Lorimer, L. Waring, L. Shaw, Joseph English, William Bell, Archibald M'Ervel, John Taylor, John Bullick, George Ferris, Thomas James English, John Steele, Michael Collier, William Wheeler, John Megahy, William John Smyth, Thomas Houston, Henry Gilliland, James White, Robert White, — Killen, Robert M'Cord, Thomas M'Leavy, Robert Houston, Arthur Palmer, William John Kilpatrick, William Campbell, James Bell, Robert Graham, John M'Henry, Robert Gresham, William Lutton, John M'Connell, Daniel M'Erval, David M'Connell, James Rea, Andrew Harper, James Palmer, Robert Wilson, James Smyth, James M'Niece, Robert Higginson, James Edward Higginson, Arthur Irvine, Samuel Murphy, Samuel Thompson, William John Upton, James Ballance, sen., Carlisle Arnold, George Gill, William M'Kendry, John Fleming, Robert Ballance, Isaac M'Kinstry M'Niece, William Higginson, James Ballance, jun., Francis M'Combe, James Armstrong, Joseph Sherlock, John M'Cartney, William Sufferan, John Gaskin, James M'Connell, William Hill, Joseph Bicket, James Brown, John Montgomery, James Smyth, William Bell, John Bell, Edward Oakman, William Mairs, Robert Arnold, Andrew Wilson, John M'Neight, — Montgarret, William Ferris, William John M'Neight, Hugh Crawford, David Frazer, James Crawford, Samuel Johnston, Alexander Bell, David

Reekie, William John M'Conkey, William George Wilson, James Johnston, John Wickliff, William J. Ingram, William J. Higginson, Robert Higginson, Thomas Burrows, James Gawley, Orval Gill, Allen Burrowes, Oliver Ingram, John Corken, John Johnston, Arthur Armstrong, Samuel Thompson, James Boyd, William Knox, John M'Connell, Mark Peel, Henry Johnston, Thomas Bell, William Nutt, John Harper, John Parker, John Ranton, Henry Barnes, William Clarke, William John Ingram, John Greene, Henry Smyth, R. Armstrong, William R. Barnes, William J. Herdman, Thomas Gillespie, George Ferris, Arthur Armstrong, Francis Burrows, John Bell, William Wheeler, James Ireland, Hugh Crawford, William Higginson, William Mairs, James Harkness, William John Herdman, J. Giffin, Alexander Crawford, J. George, E. Fitzgerald, Edward Bell, Alexander Ferris, Thomas H. Rollins, David Turtle, William Turtle, Robert Hill, John Taylor, H. A. Bell, Edward Johnston, William John Oakman, Mark Peel, Edward Tuft, George Higginson, John Culbert, Ralph B. Connor, James H. Gawley, John Colburn, James Johnston, Oliver Ingram, James White, John Fleming, Robert Arnold, Robert Gresham, John Johnston.

Mr. CLAUDE L. CAPRON said he would not detain them with any words of his. He had great pleasure in proposing that Mr. T. J. Smyth, a large land occupier and a gentleman well known to them all, do take the chair. (Applause.)

Mr. M'CONNELL seconded the motion.

Mr. SMYTH, on taking the chair, said he was very much gratified at occupying the chair on the present occasion. It was the duty of the chairman to explain the object of the meeting; but, as they all knew it, it was unnecessary for him to make any observations. He should, therefore, not detain them, but would simply introduce Mr. Falkiner, a gentleman who had come amongst them at great inconvenience to himself, to kindly address them that evening.

Mr. FALKINER, who, on coming forward, was very warmly received, then proceeded with his lecture. He said—It was a pride and a pleasure to me to be asked to come here, and meet you, worthy representatives, as I believe you are, of the inhabitants of this great, loyal, and prosperous province. I therefore accepted the invitation to speak with you here upon a subject naturally near to the hearts of the tenant farmers of Ulster—their interest in the soil wherein their lives are spent, their earthly hopes are fixed, and by their good conduct in which, and towards which, they have mainly contributed to raise the province to the noble position it occupies in the empire. But, pleasant as it was to me to come, I did not promise to do so without some misgiving. By the overstrained anxiety of some honest persons, but more by the factiousness of others, perhaps not quite so honest, an

attempt has been made to agitate the Land Question into a burning topic of Ulster politics. That certain difficulties would appear in the immediate carrying out of the recent great change in the law of landlord and tenant was inevitable. Every new and complex machine needs some little time to learn its peculiarities, to overcome the stiffness of its joints, and the unevenness of its fittings, before it settles into perfect working order ; and so in the working of this new machine—(hear, hear)—some irregularities have been noticed. But, without giving these time to readjust themselves in the mutual good will and forbearance of the two classes most deeply interested, the magnifying glass has been applied, and vague apprehensions—the more scaring for their vagueness—have been sown broadcast through the country, in view of a splendid harvest for the politicians, if not for the farmers, at the next general elections. (Hear, hear.) In this delicate state of things I should not have volunteered to intervene. Neither a landlord or tenant myself, I know the proverbial fate of busy-bodies, and think there are already too many intermeddlers in this Ulster field. I recognise the wisdom of the line,

“ And fools rush in where angels fear to tread,”

and verily believe that what most you want here is to be let alone for a little, until you have had experience sufficient to measure the weight of what difficulty exists ; and that the greater part of what is now apparent would, in the near future, disappear under that harmonious action of landlords and tenants which in the past has made Ulster what it is. (Hear, hear.) The sweet oil of your own mutual kindness will lubricate the cogs and eccentrics more effectually than the angry drags and shakes of well-intentioned terrorists or grievance-mongers of intentions possibly not so innocent. I, therefore, hesitated to accept your invitation, and it was not till its recent renewal I began to think it possible I might speak to some purpose on this engrossing subject. As neither landlord or tenant, and perfectly independent of both, I might hope to be beyond suspicion when disclaiming, as I most emphatically do, the character of the partisan of either. (Hear, hear.) As the frequent advocate in turn of landlord and of tenant, I have been forced, in professional duty, to become intimately acquainted with the Land Act, and to press its provisions from the point of view of each of the classes, alternately, whose interests it governs. In eighteen years of close connection with this province, I have been called upon to sympathise, heart and brain, with the feelings and the interests, now of landlord, now of tenant, until, with heart and brain, I can truly say I know that those interests, truly understood, are in harmony, if not identical ; and I should

be obtuse, indeed, if I did not understand something of you both, and more than ungrateful if I had not learned to honour the grand characteristics which the detractors of Ulster may be forgiven for envying so long as they cannot imitate. For though the partisan of neither landlord or tenant against the other, I would fain be the partisan of both against any who would disturb the alliance of centuries ; a friendship founded on the strong reason of identity of interest and mutuality of support, cemented by the noble sympathies of loyalty to the throne and patriotism towards the empire, and sanctified by the hallowing charities of a common faith. (Applause.) And so I have seen my way to come amongst you, and to speak to you, neither as landlord's man nor as tenant's man, but landlord's man and tenant's man, as a Conservative to Conservatives—for Conservatism is not the prerogative policy of magnates—the design of the powerful for maintaining undue privilege over the weak, as its false calumniators sometimes defame it—if it were, it would be no better in spirit than the castles of the robber lords of the Rhine holding in their keeps their vassal retainers. (Applause.) Conservatism means the rule of law and order, holding impartial sway over the lofty and the lowly ; it means the maintenance of the rights and privileges of all ; and, therefore, of the many and not of the few, of the tenant as well as of the landlord ; it means the guarding of the glorious traditions of the past as part of the best inheritance of the present ; the preserving in memory of the deeds of the dead to enrich the spirit of the quieter living who represent them ; it means the upholding of the dignity, greatness, and integrity of this splendid monarchy against all assailants, under whatever form they vaunt their disloyalty, or would mask their veiled rebellion. (Loud applause.)

THE POLICY OF DISUNION.

There is need to remember these things, for an attempt was made at the last General Elections to break up the ancient Ulster phalanx—the tried supporters of the laws and constitution of England. I confess it gave me pain to witness that attempt, not because of its partial success, but that it seemed to me at once so ungenerous, so unjust, and so unfraught with any good thing to youwards ; but as it did meet with partial success, we may expect its renewal, when occasion offers, by the vigilant tacticians who so cleverly organised it ; therefore, it behoves the Conservatives of Ulster to scan this agitation through and through, fairly weighing what it means, and what good, if any, it really portends under its specious promises. (Hear, hear.) The object is, of course, transparent—to restore Radical ascendancy, to regenerate the now degenerate Liberal

party, and reweave that rope of sand which now lies forlorn on the Parliamentary beach, and to heal the wounds inflicted by the doughty arms of the Conservatives of this Empire in '73 and '74. (Applause.) This is to be done by drawing such men as you, the bone and sinew of Ulster, from your ancient standards, seducing you to desert your natural leaders, and to serve the ranks of your old opponents—with Fenians and Communists, rebels from Munster, and Republicans from New York—home disturbers, under the name of Home Rulers, marching in awkward squad to the harmonious discord of “O’Brien aboo,” as it jangles with the braying of the Lord Mayor’s brass band, and the repealing strains of “Faith and Fatherland”—with Amnesty men, who demand pardon for their fellow-criminals from the Queen, in the same breath wherewith they decry her authority, and insult her person, whilst they dishonour the holy name of *pardon* by glorying in the guilt for which they scarce pretend to ask forgiveness—with men who clamour at the laws their own conduct necessitates, if the common public peace is to exist; and shout for constitutional liberty, in order that they may have full liberty to strike the Constitution—with men who send members to Parliament, in order that they may dismember it; who would cut off from the empire this kingdom, which is its right hand; who would set this island adrift in the Atlantic, for a career more troublous than that of ocean billows; or would fasten it to the continent, either by the international ties of the *Commune*, or the newly reforged chains of the Vatican Decrees. (Applause.) The method by which the yeomanry of Ulster are to be enlisted in these battalions is a system of alarm and mis-statement as to the existing Land Law. (Hear, hear.) Keeping out of view its great advantages, bringing into exaggerated prominence its real or supposed defects, grave misrepresentation of their old friends the landlords as the enemies of Tenant-right, and holding out hopes from their new friends, who are lords of no land, hopes which never can be realised, and could only be so by a flagrant injustice. (Hear, hear.) This policy of calumny and illusion is not a noble one, this sowing of tares in the old corn fields of charity; but as it is an enemy who has done this, let us set about to weed them before they have gained head. (Hear, hear.) The calumny is easily dealt with. To describe the landlords of Ulster as enemies of Tenant-right and tyrants in the past, and the tenants as slaves, cap in hand, vassals emancipated by the Land Act, as I have lately heard done, is a falsification of history, which cannot deceive even strangers to Ulster, since it is detected by the very name of Tenant-right itself; for Tenant-right was not created by the Act, it was only legalised, because it pre-existed; and it never could have existed between slaves and tyrants, or have sprung

up outside the law otherwise than it did do, a joint production, flourishing in the genial atmosphere of that GOOD WILL—which is in fact its other and older name—fostered by the sympathetic protection of generous landowners, and earned by the strong hands and loyal hearts of a self-respecting, neighbour-loving, and God-fearing tenantry. (Loud applause.) To me it seems that there is something fantastically unfair in this new Policy of Disunion. I put it shortly thus—When it had no protection from the law there grew in Ulster a land-tenure, which had no parallel in the rest of the United Kingdom. The landlords of Ulster were then vaunted amongst the proprietors, not of Ireland only, but of the empire, as the voluntary supporters of a system which gave the tenant privileges he nowhere else possessed. So long as this tenure existed outside the pale of the law courts, landlords and tenants lived in the closest good neighbourhood and sympathy, social and political; but no sooner is this system made part of the law of the land than a crusade of ingratitude is preached; the landlords, hitherto pointed out as exceptionally liberal, are pointed at as though they had been exceptionally selfish, and as if the past friendship of their tenants towards them was but a hollow truce, the result of fear, not love. (Hear, hear.) Those who would so describe it, slander tenants more odiously than landlords. But has the slander a shadow of truth?

THE GROWTH OF MODERN ULSTER.

One like me, born at a distance, and coming to Ulster with an experience of elsewhere, which forced the contrast on me, is led to regard Ulster by the light of its past history and a comparison with less favoured portions of the kingdom; and can, perhaps, view its greatness, in some respect, with a truer perspective even than yourselves who live upon the spot. Modern Ulster, any more than ancient Rome, was not built in a day; your prosperity is no mushroom. When your ancestors came, Ulster was the worst and wildest of the island; since its re-settlement by the infusion of English and Scottish blood its face has changed from the wilderness to green fields and golden enclosures. (Applause.) We hear a good deal of fixity of tenure now from men who speak of the Irish people, meaning the supposed descendants of that ancient Celtic race who inhabited this province, like the others, before your fathers came. What sort of fixity of tenure and security for improvements they enjoyed, what sort those improvements were, when they had this province pretty nearly to themselves, and thus practically had Home Rule, you may judge from such facts as these. An Act of the Irish Parliament, passed in 1634 (Charles the First's time), a few years after the Plantation, shows the state

of things where the Plantation was not, This is the preamble : —“Whereas, there is in the remote parts of this kingdom of Ireland commonly a great dearth of cattle yearly, for which the most part suffereth, by reason of the ill-husbandry and improvident care of the owners, that neither provide fodder nor stores for them in winter, nor houses to put them in extremity of stormy cold weather, but a natural lazy disposition possessing them that will not build barns to house and thresh their corn in, or houses to keep their cattle from the violence of such weather ; but the better to enable them to be flitting from their lands, and to deceive his Majesty of such debts as they may be owing, and the landlords of their rents, do for a great part, instead of threshing, burn their corn in the straw, thereby consuming the straw that might relieve their cattle in the winter, and afford materials towards the covering and thatching their houses, and spoiling the corn, making it black, unwholesome, and filthy.” It is surely a happy change, this call for fixity of tenure from the descendants of these poor folk, whose ambition was how best they might flit from their lands ! Such were their harvestings. Judge of the seed-time by such enactments as in those times passed, and passed in vain, against the use of the short plough—that is, ploughing by the tails of oxen. This was forbidden, under penalty of ten shillings a plough ; but the result was the levy of a considerable revenue, for the people paid the fine sooner than give up the pleasure of pulling the bullock by the tail. (Laughter.) The poor people were hardly to be blamed for these things. Their chieftains, if not at war with the English Government, or the lords of the English Pale, were sure to be at war with each other. To maintain their faction fights, they kept in permanence their armed retainers, the strongest and most active of the sept, who were brandishing pikes and battle-axes when they should have been working with plough and harrow ; strapping young fellows, who went roystering through the land with greyhounds and harpers, eating up the people like a flock of sheep. They considered themselves gentlemen, too proud to work, but by no means too proud to steal. (Hear, hear.) Their masters had no money of their own to pay them, so they maintained them, or these gentry maintained themselves, by a system of the most shocking exactions known as *bonnaught*, *cuttings*, and *coshers*. When they did condescend to rural occupation, it was generally in the form known as “*creaghting*”—that is, these warrior herdsmen would assemble in families, like Arab tribes, and, driving their cattle before them, would pounce down on the most fertile spots and greenest pasturages. Woe betide the poor dwellers then ; they would have blessed their stars for the mercy of a notice to quit. Then there was not even the bailiff’s courtesy of a demand of possession ; out they must go,

or join the marauders, which I am sure they generally did. The tenure of their chiefs was as insecure as the people's ; the inheritance did not pass from father to son, but from chief to Tanist—that is, the most meritorious of the family or sept, according to election ; but as each scion considered himself the most meritorious, too often there were too many candidates at these family elections, and a general ruction was the result. Each candidate had his own following, neighbouring chiefs and septs took sides, and, as a rule, the strongest emerged from the *melee* the most meritorious, when might conferred the right. At the time of the Plantation, outside the castles and walled towns, there was hardly a house in the counties west of Down and Antrim. "For who," says Sir John Davis, writing in 1604, "would plant, or improve, or build upon the land which a stranger, whom he knew not, would possess after his death, for that, as Solomon noteth, is one of the strangest vanities under the sun, and this is the true reason why Ulster and all the Irish countries are found so waste and desolate at this day, and so would they continue until the world's end, if these customs were not abolished by the law of England." Verily, it was high time for the Plantation of Ulster. (Applause.) Sir J. Davis was one of the great statesmen who planned it. Irish Attorney-General to James I., he went on circuit through the Ulster counties in 1604, the first visit, he tells us, of the King's judges in the North-west for 200 years. In the previous reign the Queen's Lord Deputy in Ireland proposed to send a sheriff into Fermanagh. "Your lordship's sheriff will be welcome," said The Maguire of the day, "but what will his *criche* be?"—that is, what fine will your lordship charge for his murder ; for you must know by the Irish or Brehan law, which prevailed in the Irish counties, the crime of assassination was punishable only by fine. It was too fashionable an amusement for anything more severe. Outside the law, the friends of the deceased would doubtless take it out in kind on the body of the assassin, or some of his family, as opportunity might offer. Those who wonder at the Munster murders of our times, and the strong disinclination of the people to aid in bringing the criminal to justice, scarcely remember how this feeling had been bred in the bone from generation to generation, in the habits of their ancestors and the laws that governed, or left them ungoverned, from century to century. Verily, it was time for the Plantation of Ulster. (Applause.) The English and Scotch came, and their advent was almost immediately succeeded by a change towards better things—a change slowly made and oft retarded, but ever advancing to a more perfect day. (Hear, hear.) The sons of the first settlers received a cruel shock in the wild rebellion of 1641, whose vibrations disturbed them for a dozen years and more ; and their sons were still more violently shaken

by the war of 1689, and the supreme effort of the Irish under James II. to drive the race and the religion of Great Britain into the sea ; but the race which has peopled the antipodes, and spanned the globe in an intellectual girdle with the language of the Bible, was of sterner stuff than to be thwarted thus. (Applause.) Nay, these troubles were but the storms to the heart of oak to rivet its roots still deeper in the soil. They served to draw your ancestors in closer union—the lords in the castled mansions to the yeomen in the farmsteads and cottages ; the common dangers begat community in defence ; and men learned here the meaning of neighbourhood, not as mere vicinity, but in the higher sense of Him who tells us who is my neighbour. The landlord protected the yeomen, and they in turn rallied round him.

And the great man helped the poor,
And the poor man loved the great.

(Applause.) Thus was the modern life of Ulster formed, and its various habits and customs, and amongst these the goodwill of the tenant, or, as it is called in later times, his Tenant-right, varying in different places and times according to varying circumstances around it, very vague at first, taking form as society became more complex ; and thus, without any Land Act, the face of the land has changed. And whilst elsewhere there was chronic turbulence, there was law and order here ; whilst elsewhere chronic poverty, thriftless agriculture, squalid cabins, towards which the poorhouses are houses of splendid mercy, here comfortable homesteads dotted the well-tilled country sides, with cleanly hearths and cheerful faces round them. Where elsewhere was to be seen the land interest all divided, the gentry shorn of all political influence, their places as natural leaders amongst their poorer neighbours usurped by the agitator and the firebrand, here reigned harmony and reciprocal confidence ; and it has been the pride of the tenant to be represented in Parliament and the world by men, who proved not in talk but in practice that they had at heart the welfare of the people, and made a rule of life, and not a cry of clap-trap, the noble motto of "Live and let live." (Applause.) Therefore, the stranger coming amongst you, witnessing the contrast, is impelled to cry out, "Perish the diabolical tactics which would dare to sow tares in these wheatfields of goodwill." (Applause.)

ACTUAL PROTECTION OF OCCUPIERS UNDER THE EXISTING LAWS.

Is it the recent Land Act which is to justify these tactics, the measure by which it is said eighteen millions of pounds' worth of property have been transferred from the proprietors

to the occupiers of the soil? Let us now fairly examine it as the regulator of the relations of landlord and tenant in Ireland. It is easy to frighten poor people with vague alarm, by distorting the facts of a case decided by this chairman or that judge, a case which, perhaps, a jury of twelve honest tenants would have decided in precisely the same way, and so lead them to think their security in their homes is far less than the reality, and that some violent amendment is needful. It is impossible to gauge truly the alleged defects of this measure, or what it does not do, till we first clearly understand its effective powers, or what it does do. It is a most unwholesome way of looking at things, to be always dwelling on the weak points and overlooking the strong ones. It always makes you uncomfortable, and sometimes drives you mad. I knew a clever young doctor who told me he didn't believe in health, and considered everybody diseased. He was head of a watercure establishment, always full of invalids, and by constant attention to their complaints he had come to disbelieve in the vigorous world outside. Let us, then, look to the strong points of this Land Act first; then, not in a jaundiced or microscopic, but in a healthy, spirit let us regard its weak ones; and let me premise by saying that I clearly think any amendment should cheerfully be made which may be requisite to render the statute completely workable, and to ensure to the tenant the amplest legal protection for every privilege he enjoyed by custom before the statute passed. No fair man, I presume, asks more than this. (Applause.) Before dealing with the Ulster sections, I shall touch those which apply to the country at large, for in proposing these for the rest of Ireland Mr. Gladstone professed to follow the Ulster Tenant-right model as closely as he dared; that is, seeking to confer on the tenantry of the other provinces not, indeed, all their Ulster brethren already enjoyed by the customary accord of the country, but so much of these advantages as a Parliament, professing any respect for property rights, would consent to impose on proprietors without any compensation; and this presents, in a strong view, the praiseworthy liberality of the landlords and the high merit of the tenants here before the law had intervened. Furthermore, these general sections, as is often forgotten or kept out of view, have just as much efficacy in Ulster as in Munster or Connaught, and, as you will see, may frequently serve as a valuable substitute when the Ulster usages cannot be as satisfactorily applied.

IMPROVEMENTS.

By the 4th section, no tenant in Ireland, if dispossessed, can be precluded from obtaining the full value of every improvement he or his predecessors have added to his holding.

It is impossible to over-estimate the importance of this section, and the great safety-valve against injustice, if attempted, it affords. No landlord, however grasping, can now perpetrate the confiscation of his tenant's industry. For of course there are some bad landlords, as there are some bad men in every calling, however high or sacred ; bad tenants, bad priests, bad ministers, since they are human, though I believe that in Ulster these are the rare exception, whilst most of the exceptions will be found not in the ranks of the great proprietors, lords of Parliament, or the gentry, from whom you choose your members, but amongst the little men who talk big on platforms, giving the largest Tenant-right on other men's estates, whilst they pare it to a minimum on their own small townlands, lately purchased in the Landed Estates Court at four and a-half per cent. (Applause.) The tenant can now fearlessly spend his capital on his farm, sure that this at least is secure. With the spirit of this section I have always agreed ; of its justice with respect to improvements made after the statute there has never been serious controversy amongst just men, though no doubt by applying it to old improvements there was danger of its sometimes throwing obligations on the landlord which he had not calculated upon, and giving compensation to tenants when they had not expected it. The strength of this section was most significantly proved in one of the first cases decided after the Act passed. In *Hill v. Lord Antrim*, I was counsel for the claimant, Mr. Hill. He was a Scotch gentleman farmer, who took from Lord Antrim a large farm adjoining the Glenarm demesne, for a lease term of twenty-one years, with a clause enabling either party to end the tenancy at the close of seven or of fourteen years. As it was expected Mr. Hill would require to expend some £500 at the commencement of the term, there was a distinct bargain that if Lord Antrim resumed possession at the close of the first seven years, he should pay Mr. Hill £500 ; but if, at the close of the second seven, there was to be no payment. Thus Mr. Hill took his lease on the clear understanding that he must work back his capital in fourteen years, and the rent was arranged on this basis accordingly. He expended some £500, as was contemplated. Lord Antrim required possession at the end of fourteen years, but meanwhile the Land Act had passed, and Mr. Hill filed his claim under the 4th section, and we succeeded, notwithstanding the clear intention of the parties, because Mr. Hill had not been expressly bound to make the improvements, though had they even faintly anticipated that such a statute might pass, the intention which was manifest would most assuredly have been put in words. Thus we compelled Lord Antrim to pay at the end of fourteen years, though his bargain was that he should not do so, and Mr. Hill obtained the cost of improve-

ments which, when he made them, he never contemplated getting back. And yet I have never heard any howling or clamour amongst the landlords at this and some other cases like it, or a cry raised for amendment of the statute to remedy such injustice, although I have little doubt the House of Commons would hear the above facts with some surprise. Wise men, recognising the general scope and spirit of the section, and that in its broad application it is just and liberal, are quite content to witness its severe pressure in exceptional cases like the above, knowing that these are not likely to recur, that sound laws are to be judged by their efficacy to the great mass of the cases they govern, and that he is a fool who expects them to be perfect. (Hear, hear.) Those who speak to the land occupiers of Ireland in the way Sir Richard Wallace so well ridiculed the other day, as if they were "writhing in chains," should remember that no such provision as this fourth section exists in England or in Scotland. The Scotch are said to be the best agriculturists in the world—somehow these Scotch have a way of turning up in the front rank in most things. Roaming in the Highlands, a few vacations ago, I fell in with a most intelligent gentleman, mine host of an inn, in the beautiful Tay country, from whom I gathered some pleasant "tales of my landlord." "Are you making your fortune in this beautiful country," said I—"O no," he replied; "but if his lordship would give me a lease I could build on, I think I should." "And what are the usual leases here?"—"O," said he, "they are never more than nineteen years, and you must expect to get back your expenditure in that time, or lose it." [Nineteen years! why if you began when you married, you would have to leave before your eldest son was grown or your eldest daughter courting.] (Laughter.) "But I thought," I said, "your Scotch proprietors were all Liberals. I come from the South of Ireland, where they are generally Conservatives, but if they acted like that they would all be shot." (Laughter.) "Oh yes, sir," said my landlord, "they are Liberals—in politics, you know—up in London, but (lowering his voice), I've long come to suspect the liberality of Whig landed proprietors." (Laughter.) Thus, you see, in Scotland if the tenant spends incautiously on his short lease he has himself to blame; and is the type which Shakspeare adopts in one of his beautiful sonnets addressed to the human soul, lavishing so much on its earthly mansion to the neglect of its immortal reversions—

"Why so much cost, having so short a lease,
Dost thou upon thy failing mansion spend?
Shall worms, inheritors of this increase,
Eat up thy charge? is this thy body's end?"

DISTURBANCE AND TENANT PROPRIETARY.

But in addition to, and along with, the value of his improvements, the tenant unreasonably disturbed can claim a sum of money as damages, varying with the rent and valuation of his farm. For a £100 holding this may be two years' rent ; for a small holding of £10 it may be so much as seven ; so that in the latter case the landlord can only get possession by eviction, at the expense of a Jacob's service—a sacrifice of seven years. This provision, which gives the evicted tenant a purse to cover emigration or setting up elsewhere, is an entirely new creation of the Irish Land Act, and has no counterpart elsewhere in the Queen's dominions. By the seventh section—evidently borrowed from Ulster—the disturbed tenant can always recover whatever sum he has himself paid for the good-will on entry, and the statute contains a series of sections applicable to all Ireland, by which tenants desiring to become their own landlords—that is, to be themselves the proprietors in fee of their own holdings—are largely encouraged and assisted. I have not time to enter fully into this machinery, but I cannot help saying I do not think the farming classes in the country are at all sufficiently acquainted with these beneficent provisions. They are, in some measure, borrowed from a system adopted with great success in Prussia in the earlier half of this century, by which the smaller farmers and the peasantry have become by purchase the proprietors of a great territory. I may shortly, however, tell you that in case of sale of a landlord's estate in the Landed Estates Court, or in case of agreement by a tenant with his landlord, a man who wishes to be the out-and-out proprietor of his own farm can have an advance of two-thirds the purchase money from the Board of Works on the very favourable terms of discharging both principal and interest by a payment of five per cent. for thirty-five years. Thus, if his landlord's interest is worth, say £600, and the tenant has £200 in hand, he gets the other £400 from the Board. With this £600 he becomes rent free immediately, and, paying £20 a-year to the Board for thirty-five years, his farm is his or his family's for ever. And though thirty-five years is a long time to look forward, the year 1840 is not so very long ago.

THE ULSTER SECTIONS.

So far for Ireland at large. Then, coming to Ulster, you are aware that by the first section all the Ulster usages, which formerly rested on customary good-will, are now turned into legal, binding rules. The Tenant-right, in whatever form it has existed by custom, now exists by law. If the usage was to sell without restriction, the right is to do so now ; if the

usage was to sell at the end of a lease, the right is to do so now ; if the usage was to sell by auction, the right is to do so now. Those who have recklessly assailed the working of the system should remember this, and not omit stating it from forgetfulness or design. (Applause.) I will not further enlarge on the advantageous position which the tenantry of this island have thus secured to them. I shall merely repeat that their brethren in England and Scotland have no such protection, and read you an extract from a speech delivered at an agricultural meeting in Frome on Michaelmas Day. The speaker was Mr. Lopes, the Conservative member for the borough. In the course of his speech he says :—

“There is a vast amount of land in this country held by tenants without any lease or any agreement, and to which on custom like the equitable custom of Lincolnshire attaches. The position of the tenant in such cases is that he may at the caprice of his landlord be turned out on a six months’ notice. The capital which he has embarked upon his holding consists on the one part of his live and dead stock, which are removable, and on the other part of labour, manure, and materials sunk in or upon his holding, which are irremovable. Over the live and dead stock he has complete control, but over the other, although paid for out of the same pocket, he has no control. On the expiration of his tenancy they belong by law to the landlord. They are things paid for by the tenant, positively necessary for the present cultivation of the soil, but are, without any compensation, forfeited to the landlord by law. The law, too, is one-sided, because, while the tenant cannot recover compensation for these unexhausted improvements, the landlord can sue the tenant for dilapidations and deterioration in the farm. The result is a discouraging uncertainty, which renders tenants unwilling to invest that capital in the soil which is necessary for the development of its resources and productiveness.”

ALLEGED DEFECTS OF THE LAND ACT—SHERIFF’S SALES.

Thus far I have examined with you the several main portions of this newly reconstructed land machine, dwelling purposely on its merits, which I believe to be not only the healthier and pleasanter, but the wiser way to judge it fairly ; but now let us approach the defects in working, as I have heard them alleged, seeing first how far they really are defects, and then suggesting such amendments as seem to meet the two requirements, of being just in themselves, and likely to be accepted by the Legislature. I take the latest argued subject of complaint—the refusal to recognise a sheriff’s sale of Tenant-right. They are badly off, indeed, for ground of grumbling who bring this as a charge against either the Legislature or the landlords.

(Hear, hear.) I had the honour of arguing this question before the Lord Chief Baron in the late case from Armagh, when that most distinguished lawyer and judge decided, after deep consideration, against the validity of the sale; and, though arguing on the landlord's side, I can safely say the strongest arguments were pressed by us in the tenant's interest. I must first remind you, however, that wherever the claimant can show such sales have been customary they will always be established, and the landlord's refusal can only prevail when, as in the Armagh case, he shows they have been against the usage. There, by proof of a custom on a variety of estates, and notably on that of Lord Lurgan, this was shown in the clearest way. Of course, I make no unworthy party point here that Lord Lurgan is a Liberal in politics—I name that excellent nobleman, whom I believe to be a Liberal in the highest meaning of the word—because all who know of the management of his estates are aware he is as unlikely as any landlord in the land to countenance the undue curtailment of his tenants' interests, and to show the absurdity of treating these as party questions. Is it then for the interest of the tenant class that such sales should be allowed? Viewed from the landlord's side, such sales manifestly tend to annihilate his power of selecting who shall or who shall not be the occupiers of his property. It is futile to say that when the sale is over, the purchaser declared, and the purchase deposit made, the landlord may then refuse the tenant, if he can show some reasonable objection. Some reasonable objection! What more unreasonable and invidious burden could be cast upon any gentleman or man than to ask him to do this. Surely every reasonable mind must see that a man may have the very fairest and most reasonable reason for not wishing such and such a strange person or family to become permanently fixed on his estate, and amongst his other tenants, whilst yet it would be unfair to compel him to publish them; to no one more unfair, perhaps, than to the purchaser objected to. In many cases the strongest objections might exist, and yet it might be impossible to prove them. How are such objections to be tried, and, pending the trial, what becomes of the tenancy? How, if such sales are forced, is the landlord to exercise his privilege, when he has had it by usage, of choosing the successor amongst his other tenants or in their families? To give the farm that has come into the market to the man that everybody in the townland, if it were polled, would say deserved it. But, from the tenants' point of view, what could be more disastrous than the prevalence of such sales? A farmer, perhaps from sickness in his family, a bad harvest, disease amongst his cattle, or other temporary mishap, gets into debt; one of his creditors—perhaps the keenest and least deserving of them—has him served with a writ, and

knowing, as an honest man, he owes the money, he does not defend. The next thing he hears of it is when, a few days after, the bailiff walks in, and informs him he has seized his farm, under *fi fa* at the suit of the plaintiff, Mr. Griphroat. (Laughter.) Then in four days follows the sheriff's sale. The sheriff's sale! when some neighbours abstain because the matter is in law, and some because they would not profit in a neighbour's ruin; and so the farm is knocked down—well may we say “knocked down,” and the farmer with it—at an enormous sacrifice, perhaps to Mr. Griphroat, the plaintiff himself, or some one bidding on his behalf, and the old holding goes for a single debt and law costs, and the old tenant goes out—out-cast, without even the sad comfort that his debts are paid, for sharp Mr. Griphroat has outrun the rest, and the more lenient creditors are left without even a dividend to lament their neighbour's fate and their own leniency. I tell you, on my experience, this is no ideal picture, and yet reckless grievance-mongers are found to represent it as a tenants' grievance that these sales should not be universally permitted, and one of the clauses in Mr. Crawford's late Bill was drawn for the express purpose of establishing them, even when they were disallowed by previous usage. My belief is that sheriff's sales of landed property are in all cases objectionable and anomalous, but I am assured that nothing more disastrous to the tenant interest could be devised than such a mode of transfer of Tenant-right holdings. In nine cases out of ten when the landlord stops such sale it is to the tenant's advantage. In the Armagh case the purchaser bought in the teeth of the most emphatic notice that the sale was against the custom, and if he lost his money he had himself to blame.

“Is aught but retribution true,
Seek other cause 'gainst Roderick Dhu.”

AUCTION SALES.

The next complaint is kindred to this one—the refusal to sanction sales by auction; and though these are not like sheriff's sales, prejudicial to the tenant, but, on the contrary, often convenient and advantageous to him, the same objections from the landlord's side exist as I have pointed out in the case of sales by the sheriff—that is, they tend to destroy the landlord's right of selection and power to give to the man who has deserved it, and would impose on him the odious burden of stigmatising the purchaser by publicly objecting to him after the sale. But the really just mode of dealing with these cases is by ascertaining whether or not such sales have been allowed by the usage of the estate. If they have, the usage should be

confirmed ; if they have not, they ought to be discountenanced. This is exactly how these cases are now dealt with by the courts, and I ask any fair man, be he tenant or landlord, would it be a just thing under a statute which affects to fix the usage by law to give rights to either party right in the teeth of it ? And though I admit an auction may sometimes give a convenient means of fixing the full selling value, the grievance of disallowing it is slight. A sensible man of business, with a little pains, his neighbour's aid, and that of the newspapers, can always find the top value of his holding without the danger of being knocked down at an under value, which is always run in the chance hurry of an auction, whilst it is often a signal boon to the other tenants that the landlord should have the power of giving the preference of purchase to one of themselves or in their family, rather than have a stranger introduced amongst them by the fall of the hammer. (Hear.)

LEASEHOLD TENANT-RIGHT.

And now I come to the complaint, without question the most serious, and which must have caused a feeling of uneasiness amongst the farming classes. I refer to the subject of Tenant-right at the end of leases—a difficult subject which we are bound to examine with entire candour and patience, so as to discover precisely the amount of hardship which exists, what amount of remedy is requisite, reasonable, and, above all, likely to be accepted by Parliament. Now, here also there has been much exaggerated and partial statement in certain public quarters ; for observe, whenever the tenant is able to prove that the Tenant-right was customarily allowed in the case of leaseholds it is now attached by the law, and his claim prevails precisely as if his holding had been from year to year. Remember, then, that this leasehold Tenant-right is at present an actual, real thing, that it has been admitted publicly on a large number of estates, and has been proved and upheld in court in several instances. Where the claim has failed, it has been generally on an entire failure of proof of the usage, and this has usually been in cases of leases for very long periods, when the inference was a reasonable one that the long term was taken the greater part of a century before, in lieu of the customary good-will, which was then uncertain, unfixed, and unguaranteed by law. The great staple case, which has been made the topic for agitation in this and the adjoining county, is that of *Menown v. Beaclerk*. In that case I was one of the counsel for the claim, and we certainly fought as fervently as we could to establish the leasehold claim, both in the particular instance and for the country at large. A mass of evidence was taken on both sides, but in the end we failed to

establish the usage in the opinion of Judge Barry, who heard both sides with extreme patience, and who, as Mr. Gladstone's Attorney-General when the statute passed, would have a natural desire to give it the most liberal interpretation. He was of opinion it had been clearly proved that as matter of usage the common Tenant-right was not allowed on the estate in case of lengthened lease terms like that of the Menown's ; but that the course usually adopted was an uncertain and indefinite one—to make some new arrangement varying according to the special circumstances. But of the people who were taught to consider this case as one of extraordinary hardship and proof of the insufficiency of the Land Act, very few, perhaps, heard what really occurred. There the lease had been made to the last tenant's grandfather in the last century at a very low rent. It lasted for three generations of the tenant's family. The last of them, at the expiration, was a childless old man, who had ceased to work on the farm, and the claim made in his name was chiefly supported by some collateral relations. There was, therefore, no dispossession in the ordinary sense, as the landlord offered the old man a free house and a life annuity ; but we gave evidence that all through the three-quarters of a century of holding the Menown family had been most improving tenants, and had made what had been a very rough place when they entered quite a model of neatness and good culture. The claim made was not of a right to be continued tenant on some new, equitable arrangement ; it was a pure and simple claim to sell the Tenant-right. Now, I have heard it said by inconsiderate persons that the denial of this claim was a confiscation of the tenant's industry ; but the truth is that whilst, as I have shown you, in Scotland and England the long term would be considered as ample time for the tenant to win back his capital expended, and whilst we know that in many places ninety-nine years' terms, without any shadow of Tenant-right, are taken as sufficient for building-leases in towns and cities, in Menown's case, although Judge Barry dismissed our claim under the Ulster Custom, he did not dismiss it out of court. He sent it back to the Chairman of Down, under the fourth section, and in the result the claimants were awarded a sum of, I think, £800 as the full value of unexhausted improvements, not a shilling of which would have been recoverable before the passing of the Act ; so you see that this is not a very striking proof of the tenant's want of security under the existing law. (Hear, hear.) But it has been further said that on a great many estates the tenants were induced to accept leases without the least idea that in doing so they were forfeiting their Tenant-right—that as the tenants generally agreed with their landlords in politics, and were ready to support the same candidates at elections, the leases were given

them as qualifications to vote when yearly tenancies did not confer the Parliamentary franchise, and it is urged how unfair now to turn on the tenant and twist the lease which he accepted with the view of supporting his landlord into a means by which his landlord can defeat his interest in his holding ; and again, it is urged that often when the right in truth and justice exists the tenant may fail for want of proof, where, for example, having no occasion to go away or sell, he and his predecessors have occupied for generations, and can, therefore, prove no instances of exercising their right, whilst his less settled neighbour on the same or adjoining properties enjoys the right because he has used it. I think these arguments deserve the most serious attention. The first is pressed with great force by my friend, Mr. Donnell, in his able, though, he will forgive me for saying, sometimes a little one-sided, treatise ; and though my own opinion is that the law is quite strong enough to enable a firm chairman or judge to deal with such unjust defences of the tenant's claim, and though I think them likely to be but rarely made, I would desire to see the tenants placed beyond the possible reach of such palpable injustice ; and as some legal minds, unpractised in Ulster, may at times give too much weight to the clauses of a lease, as apparently inconsistent with the claim of Tenant-right, or require too strict a proof of the usage on the holding, I would advise—were my assistance asked for in framing an amended Act—a clause expressly providing that the existence of a lease should not be taken as in itself inconsistent with the claim of Tenant-right, but should be considered by the tribunal only as one of the facts of the case to be considered along with the whole of the circumstances in judging the claim upon its merits ; and further, that evidence of the custom in other places and other estates should in all cases be legally admissable in evidence, to be similarly considered with the other evidence in ascertaining the real truth and justice. As it is, some of the judges now act on these enlightened principles. I wish you had been present at the last Assizes of Armagh, when Judge Morris decided some seven land appeals in that entire spirit of impartiality between landlord and tenant, and, at the same time, with that racy and forcible humour which so distinguishes him, awarding the amplest justice to both, but determined to give triumphs to neither. In one of these a gentleman, who had lately purchased one townland in the county, vigorously contended that it was free from the custom of Ulster. Our evidence for the claim was certainly weak as to usage on the actual townland, but we had ample evidence of its existence on the adjoining townlands, and generally through the district ; this testimony the newly-fledged landlord endeavoured to shut out as illegal, but the judge, in his quaint, vigorous manner,

asked—"Does this gentleman imagine he has bought an oasis in a desert of Tenant-right? I suppose he's one of those gentlemen who was very patriotic before he made a little money and bought a small estate, and now wants to make the most of it; but I'll give him the custom of the country, like the rest of his neighbours, and nothing more or less." (Laughter.) And he did so, received the evidence, and allowed the claim; but as some judicial minds have refused to deal with the evidence in so liberal a spirit, an amendment such as I have suggested may prove very beneficial. This, with one other I presently shall make, would seem sufficient to ensure justice to the Ulster leaseholders.

RESTRICTIONS ON PRICE OF TENANT-RIGHT.

The last grievance alleged which I would refer to is one which also merits a sympathetic treatment—restrictions on the purchase money of Tenant-right. Here also exaggeration has been at work; for, remember, no such restriction can be maintained, unless it be proved to be according to the usage, and that means not a usage sought to be established in the last few years by an exacting or a timid owner, but such a settled and acquiesced in practice as can be legally regarded as the custom. This was strikingly exemplified in the adjoining county Armagh, last spring two years, in a decision of Judge Keogh. A gentleman there, of whom I will only say that he is not a fair sample of the generous landlords of the North, seeking to restrict his Tenant-right to five pounds an acre, gave proof that from 1861 he had managed his estate, first as agent and then as owner, and in these dozen years he had never recognised a sale exceeding the above five pounds. Two hundred such sales he proved at this price for a maximum and under; but the tenant proved that before '61 the sales were unrestricted, and Judge Keogh thus vigorously dealt with this over-canny cheese-parer:—"I am not to look solely to the transactions of the last month, or the last year, or even the last twenty years. I must not accept as conclusive the system practised in 1861 or 1871, but I must let my mind range over a long period, in order to conclude what is the custom of the estate. What I have to do is to find out what was the custom previous to the passing of the Act, and, to do so, I must look over a larger range of time than ten or eleven years, for it would require a longer time to establish Tenant-right. Now, let us look over the whole range of events and transactions extending over a period of thirty years, as detailed by a gentleman who had been in connection with the family, and whose accuracy has not been impeached, when he stated to-day that he had known hundreds of cases of sales of the Tenant-right, and there was no limit put to the

price. I don't think this custom has been altered by the acts of the present proprietor. I, therefore, think the tenant is entitled to the Tenant-right—that is, the value of the land, and I affirm the chairman's decree with costs." To change a settled custom, as Judge Keogh observed in this case, there must be such a continuous succession of events as would show there had really been an alteration amounting to a new custom. Some time since, a client instructed me to press a modern restriction of £5 and £3 an acre, but I laughed, and told him "I should do nothing of the kind, for the judge will certainly decide against me, and the claim will make you both ridiculous and unpopular." So he bid me exercise my own discretion, and I did so. The restriction to £10 an acre was established on the estate of Lord Dartrey, also a truly liberal nobleman, in both the senses, whose property, I believe, has always been administered on principles of fair play ; but though, as counsel, I contended against the restriction as earnestly as I could, it was distinctly proved to be the long-established usage, and to disregard it would have been to give the tenant not what he had by custom before the Act, but what he had not. Again, it is to be remembered these checks on the price of Tenant-right frequently act for the benefit of the tenants as a class, just as in the case of those on auction sales. Where the custom of the estate has been to give a preference of purchase to the other tenants, one of these may be most anxious to put forward his son in life, and ready to make him the very liberal advance of, say, £200 for a twenty-acre farm ; it is hard that he should be outbid by, perhaps, a stranger from the next town, and forced to forego the farm, or else sink an amount of capital which leaves him none to stock it, or sinks himself, perhaps, in debt for life. Still there are cases of undoubted hardship, when, for instance, a man has a purchaser for his farm at, say, £15 an acre, and is limited by the rule of the estate to £10, and when he can say to his landlord, with much colour of truth, "Why should you refuse to let me make £100, which does me that much good, and does you no harm?" The landlord's answer, of course, is—"If I allow the sale without limit in this case, it will be used against me in the next to prove a usage to sell without restriction ; and though the free sale may do no harm in this instance, it may be most prejudicial in the next." And this suggests what I have frequently observed as one result, at present disadvantageous to the tenants, of turning the usages from matter of customary good-will into matter of hard law. Formerly the rules of an estate sat very lightly ; they were elastic bands, which could be relaxed at pleasure. The landlord could always afford to expand them, knowing he had the power to contract them again if the license were abused ; but now that the Legislature has galvanised the bands into the

hardness of legal rules, they lose in elasticity what they gain in rigidity. Now that each relaxation is liable to be used in court in some other case, the landlord sometimes feels obliged to be cautious, lest his good nature should be turned into a precedent against himself. This difficulty about restriction in price is one of the very subjects which I take leave to think is likely to receive a better adjustment from the good sense and good feeling of you landlords and tenants yourselves than by hasty Parliamentary interference.

INCONSIDERATE LITIGATION.

If, for instance, when the rule exists the tenant would not prematurely rush to us lawyers, and set the rule and his landlord at defiance, backed by so-called friends, who care a deal more for their own hobbies than for his weal, glad to find in him a champion to fight their notions at his expense, egging him on, as the giant did the dwarf, when they went to war in couples, careless though the brave little fellow be hewed limb from limb in the campaign—but would go to his landlord, press his case fairly for a relaxation of the rule, and loyally offer evidence that he would take it as a privilege and not as a right that is to bind the estate in future, how often would he get all he wants, with good-will into the bargain, instead of notice to quit, demand of possession, ejectment process, decree for possession, land claim, appeal to assizes, with defeat in the fierce long run—a year of uneasiness, expense and bitterness, with that bitterest of prayers burnt into his heart at last, “Save me from my friends?” (Applause.) But these “friends” may say—“What, is a man to whine cap in hand for a favour when he is seeking only his right?” Surely, no, if it be his right which is denied, he should fight for it. I speak of cases where it is not his right, and there is never occasion for whining cap in hand; but civility and temper never injured any cause, and it should be no more a loss of self-respect than a loss of money to accept as a privilege what a man cannot enforce, or only possibly enforce at the risk of ruin. (Hear, hear.) I cannot stay to tell you the many cases I have known of men led dreary marches through legal bogs to lose in the end what, or the greater part of what, they might have had gently in the beginning. Very lately I was in a case where a man’s “friends” insisted as a matter of principle upon his claiming under the Ulster custom. He did so, and was awarded a goodly sum of £13 or £14 an acre, amounting to £150. Had he claimed not for principle but common sense under the other section, the award would have been £250. If, however, there is to be legislation, I think Mr. Butt’s proposition respecting those price restrictions might, with a modification, be reasonably

adopted, to the effect that when the restricting usage shall have been in existence for less than twenty years, and it shall appear that sales at a higher rate were previously usual, the rule shall not be held effectual to limit the price below the higher rates so previously permitted. Thus, if, say for fifteen years, there had been a £10 limit, but it appeared that previously £15 per acre had been usually sanctioned, the tenant should be allowed to sell at £15.

The bitter and abortive litigation I have witnessed in some land cases, and specially in that of *Menown v. Beauclerk*, has suggested to me two other improvements which I think might be real amendments in the law. At present, when an honest difference arises as to what is the actual usage, reasonableness of advance of rent, or other common incidents of tenure, either party must give in, or bring the tenancy to a rough conclusion. The tenant to try his right must stake all on his success, sell his farm in the teeth of a prohibition, and take his chance that the prohibition will afterwards be overruled in court; or the landlord similarly must either give way or enforce his views by eviction, and thus the disagreement which began in good faith ends in war to the knife and woe to the vanquished. I think this is wrong, and that without waiting the tedious and unkindly process of disturbance the parties should have power to bring each *bona fide* dispute at once for adjudication, and thus have his true position declared before he has made a false step beyond recovery. If, for instance, when a sale is forbidden, instead of persevering with the sale, and leaving his farm, running the risk in some twelve months of all being declared illegal and the purchaser ejected, the tenant could immediately bring the prohibition before the court, and have its validity decided, all parties interested would know their rights in time, and irretrievable mistake and heartburn would be prevented. Those who have taken part in the land causes of the five years past will best know how to measure the value of this suggestion. It is quite absurd to witness the roundabout clumsy machinery for adjusting the dispute on, for instance, so simple a matter as the reasonable rent to which the Tenant-right should be subject. The whole of a vast country side is noticed to quit; a twin notice goes that it is only meant reasonably to raise the rent. The whole country side is, nevertheless, naturally agitated, as though an emigration were expected; then follow several hundred ejectments, several hundred land claims, several hundred consents in the Chairman's Court referring the amount of rent to valuers, for the chairman has no jurisdiction in the matter. Then arbitrators differ, and valuations are challenged, and all comes before the judges of assize, back to the lawyers whence it came, and thousands of your sovereigns

melt in the furnace of the law. Who doubts my picture may go to Benburb or Silverbridge, and see am I a truthful landscape painter. Why not give the chairman power to decide this question of rent when the dispute arises, and decide it on the first hearing, taking evidence on both sides? (Hear, hear.) The other improvement which my past experience has suggested would, I think, not only tend to prevent or greatly soothe the bitterness of litigation, but would ensure compensation in some cases where at present none can be awarded. I have more than once seen a tenant's land-claim fail from failure to make out the certain usage he relied on, whilst it was clear that a good-will of some kind did exist. I believe very many instances occur where it will be found that, though there was no such fixed rule as would amount to a usage in law, it was customary for the landlord or "the office" to judge of each such case as it arose upon its own circumstances, and to deal equitably with it accordingly. Thus in Menown's case, though he failed to prove a usage to sell at the end of the lease, he did prove, as I have told you, that the tenant was usually permitted to hold on upon such new and equitable terms as, having regard to the merits of each case, the landlord should fix. In another case when a deceased tenant had willed his farm between his two sons equally, and the landlord objecting to the subdivision evicted both, and then gave all to the younger brother, the elder, my client, made a land-claim, and proved the Tenant-right of his half was worth £500. We were here in the utmost peril, and but for a compromise suggested by the judge, who thought the case a hard one, were about to be sent empty away, because subdivisions were disallowed on the estate, and the landlord by usage selected his successor; and yet in such a case a landlord, whilst rightly objecting to a subdivision, and fairly choosing the man he thought most deserving, always settled the terms on which the tenant he selected should succeed, and how much should be paid to the man he rejected. Other instances of difficulties between members of the Tenant-righter's family, claims of his creditors, &c., will occur to you which I may not enlarge on now. Though the usages in such cases were ever unfixed and varying, the usage was sufficiently certain that there should be neither confiscation or forfeiture, but that each case should be fairly dealt with on the merits. The 18th section of the statute is, in truth, nearly large enough to embrace this branch, but it is not quite so. And I think it might be an important boon if the chairman and judge of assize were authorised to declare what should be done in these uncertain cases also, using an equitable jurisdiction similar to that dispensed by the office, duly recognising the fair discretion of the landlord, but guarding against abuse. For this difficult work the tribunal should

have power to summon all persons interested, and to adjourn from time to time, so as to dispense final justice to all. Frequently the parties now invite the judge to administer this kind of equity as an arbitrator ; it might be better to enable him by statute.

For greater accuracy, I have put into the form of clauses the various suggestions I have foreshadowed above, to which any who care to peruse them are welcome ; but instead of such Conservative and, I take leave to say, practical amendments as these embody, persons who design to split the united Ulster interests would hound you on for sweeping changes, which, if they did pass, would mean pure and simple "Fixity of Tenure." They would dissever every tie of interest and sympathy which binds the noble or gentleman to the estate of his ancestors, save the hard metal bond of rent. (Hear, hear.) By this plan, if it succeeded, the lord of the soil would become a mere rent-charger, taught to look on his ancestral home as a far off mine, whence to screw out as much gold as possible. These propagandists will have some followers, I trow. If a proposal be made, even by a busy-body, that part of Hugh's property be taken and divided between George and Alexander, you couldn't greatly blame poor Alexander or George if they thought this a capital arrangement. Or if a stump orator of manhood suffrage came, preaching division amongst the land occupiers of the North—a crusade against the farmers, say, in the supposed interest of the farm labourers, telling the latter their masters, with whom hitherto they had lived in amity and comfort, were merely tyrants, offering them, in the name of customary privileges made legal, cottages and gardens they had never had before, I presume they would find some gudgeons to rise to their gaudy flies. And so, when candidate Parliamentarians, wanting to sit for Ulster, places wherein they have never slept, as devoid of Ulster property as Lackland Plantagenet, come, offering that cheapest of all charities, other people's property, telling you your landlords—who I affirm to be, with yourselves, the joint creators of Tenant-right—are its enemies, some weak minds will be beguiled by these sweet charmers ; but I mistake the strong heads and true hearts of the men of Ulster if, in their great main body, they do not see through these plausibilities, and insist on looking at this gift horse in the mouth. (Applause.) Old Troy, perhaps you have heard, was taken because it did not look a gift horse in the mouth. I can understand a man, even honestly, going in for Fixity of Tenure, for I believe some Communists are honest enthusiasts ; but what I do not understand is, that any honest man can advocate the sweeping changes we have seen proposed in some recent Tenant-right bills, and say that he does so in sustainment of the usages of Ulster. (Hear, hear.) I ask

any such man to suppose for a moment the possibility his Bill should pass, would Tenant-right be any longer what it has been in the past, or anything like it? Would it not be shorn of every privilege, prestige, and right which was the landlord's part of the compact under which it was conceded? (Applause.) Those men sometimes tell you that all these privileges on the landlord's side are of recent growth, funguses on the pure and simple Tenant-right tree, the single, simple custom of Ulster to sell to anyone for anything. If this were true, the proposed amendments would be honest; but it is utterly false. Tenant-right, as those who seek will find, has been the growth of very many years; it has developed with the advancing times, and not receded; its origin is very misty, and its old forms vague; it was first an undefined "good-will," less regarded when land was plenty, population sparse, and money scarce; it has been fostered into form as the people multiplied and wealth increased; but this, at least, is certain, that in palpable form, public recognition, and money value, it was an infinitely greater thing the year before the Land Act than one hundred years before, in 1769. But if any hard-headed—I will not say hard-hearted—tenant-farmer says—"This is all very well; the landlords may have acted fairly enough in former times, but these new men now outbid them; why should we not follow them?" To the canny inquirer I reply—"Though I would have expected from you a nobler policy than this, I shall not dissuade you, if you think it will prevail." But what chance is there of this? Even if the lords of Ulster, seeking a temporary popularity, should support wild schemes, they might do so with impunity, for the property-holders of England and Scotland would refuse their consent. I speak not of Conservative or Liberal. In Great Britain money has no politics. It is for this reason I have laid stress on the existing English land law as so much less favourable to the occupier than our own, and shown you that property is at least as dear to the Whig magnate as the Tory. Trust me that as in the past, so in the coming time, there is more to be gained from the good-will of friends than by a declaration of war which puts them on the defensive. (Applause.) And further, even assuming that everything the most extravagant should ask were granted, and Fixity of Tenure, pure and simple, were established, think you this would be an unmixed blessing? Would not the great landowners and resident proprietors, naturally disgusted to find their whole prestige departed, all ties of affection severed, and their places usurped by the carpet-bag stranger or landless Radical from the next country town, seek in some more congenial soil to regain the influence they had lost, and, selling their estates in convenient lots to suit small capitalists, leave the country shorn of its social ornaments and its best employers, and the

tenants to deal as best they might with the new and small race of rentowners, whose interest and instinct would be how to make the soil yield its farthest shilling of rent charge.

And now, farewell ! I have dealt with this great argument in full, with much more of speaking than could have been pleasant to you or easy to myself, but in a large practical subject like this vague language is worse than useless, and can always be met with vague language on the other side. It is impossible to know the justice of what is proposed unless first you know the truth of that which is. And, however you may agree or disagree, I trust I have made this clear at least—that justice between you is all I aim at. Perhaps some will think I have gone too far with the tenant ; others that I go not far enough ; and if so it may be some evidence of having taken the golden line between by which I would gladly steer. Forgive me if I have spoken too much of myself, but I found it hard to put as I felt them my views about this measure without expressing where my own experience has been in contact with it. In a small judicial experience last year I had occasion to decide several land cases. I remember saying to the people (less instructed they were than you), watching eagerly if each decision would be a landlord's judgment or a tenant's judgment, how lamentable it would be if these questions were tried as class questions, instead of evenly between man and man ; and that for myself, whilst striving to deal justice with a truly even hand, if I did show a slight leaning towards the tenant it was not because he was a tenant and his opponent a landlord, but simply because generally the tenant as the poorer could less well bear the consequences of an adverse judgment. So as to the general question itself, let every sympathy be accorded and due protection given ; but woe to this question and those whose interest it governs whenever it shall come to be dealt with otherwise than from the point of view of conscientious justice.

One other object I have aimed at—the union of the old Ulster interests—that in the midst of the rumours that disturb, the false hopes that illude, the intrigues which menace, this may emerge unharmed, perpetual and triumphant. With this prayer I leave you. The policy of union is ever a noble and a Christian one—is this a time to forget that it is a wise one also ? I am not a political seer, and far be it from me to say one word to grieve the spirit of charity ; but if we are to believe the master minds of this age, it is not in Ulster, or in Ireland, or in this United Kingdom only, but throughout wide Europe, along the frontiers of the civilized world, the forces are marshalling that menace the cause of freedom and of conscience, for which your fathers bled, that they might leave it to you an undefiled inheritance. Have you not seen the profoundest statesman of this century, whose genius planned and iron will

has established the vast new German Empire, acknowledging an enemy more formidable than those his country vanquished on the fields of Sadowa, of Spichern, or Sedan, sounding the alarm in the hearts of freemen from the Mediterranean to the Baltic, buckling on his armour to confront the mighty conspiracy which yearns after the re-conquest of emancipated mankind? And nearer home the ex-Premier of England, reeling under the blow dealt him by those whose alliance he had courted, devotes the first hours of his compulsory leisure to forewarn and forearm Europe against the league of which he feels himself to be the earliest victim. (Hear, hear.) At home, this very autumn, the Irish contingent is embodied under the Lord Mayor of the metropolis, who evokes the shade of O'Connell to renew the cry for the dismemberment of the empire, whilst further South we have seen England's time extended for just one year more, and then if Home Rule be not conceded 59 Irish members are to leave the House of Commons, and to retire, I presume, on rebellion and repeal. (Laughter.) Where in the struggle, if it comes, then, shall Ulster be found, if not as heretofore an unbroken phalanx under the standard of this ancient monarchy, the Reformation and the Bible? (Applause.) From those standards I trow you shall not easily be beguiled—(applause)—that you are not wicked Esaus to sell your birthright for a mess of pottage, knowing who it is hath said—"Stand ye in the way, and see, and ask for the old paths, where is the good way, and walk therein, and ye shall find rest for your souls." (Loud and continued applause.)

The CHAIRMAN said he had now the pleasure of calling upon one whom he knew they would heartily receive—the Hon. Edward O'Neill, one of the members for their county.

The Hon. EDWARD O'NEILL, M.P., who, on coming forward, was very enthusiastically received, said he was glad to be there that evening on the occasion of the meeting of the Constitutional Association, and to have heard such a lecture as Mr. Falkiner had just delivered. (Hear, hear.) He would endeavour to return, before concluding, to the subject of that lecture; but, before doing so, he might perhaps say a few words with regard to the legislation of the present Government during the last session. That legislation had been, as he was proud to admit, of a beneficent and practical character. (Hear, hear.) It had not dealt with great questions which had served to divide Parliament into what might be called two hostile camps. It had not dealt with questions involving, if carried, grave constitutional issues. The legislation had been of a less exciting kind. He would briefly run over the measures of the Government, whose character had been to provide for the

healthy and social advancement of the community, and for the purpose of affording protection to the employed classes. The first measure to which he would allude was the Artizans' Dwellings Act. Many of them were aware that under that act corporations and towns containing 25,000 inhabitants might, on their medical officer reporting that it was desirable to put the act into force, compel the owners of tenements unsuited for human habitation to sell these tenements, in order that they might erect in their stead much more healthy dwellings. They could hardly imagine the great benefit of a measure of this kind. Dwellings, which have been the centre of disease and filth, would be transformed into healthy, clean, and tidy habitations. No doubt this will require a large sum of money. He had seen where companies were formed for the purpose of carrying out this act, and he trusted the result would be beneficial to all parties concerned. (Hear, hear.) A bill for the consolidation of the sanitary laws was also passed. Another bill that was passed was the Friendly Societies Act. It would be found that under that act members of benefit societies would be protected from results of errors or frauds. (Applause.) Then, there was the legislation with regard to the question of employer and employed, the principles of which were in favour of the employed classes. The question which affected the safety of merchant sailors and the merchant shipping, which was now a temporary measure, would, no doubt, receive prominent consideration next session, and he trusted that the discussion it would receive would result in a permanent and satisfactory issue. (Applause.) He should say but few words on the questions that had been dealt with in Mr. Falkiner's lecture. They all were aware that there were two sides to every question. They heard one side of that question reiterated almost *ad nauseum* at the time of the last election in February, 1874. The speaker then went on to refer in detail to the several points referred to in Mr. Falkiner's lecture. He was sure they would believe him when he said that he adhered to those pledges on the land question which he had given in February last year. (Hear.) These pledges were, in fact, that he should be willing to see the Land Act amended upon points where it could be shown to work badly, and that he would be willing to see legalized tenant-right at the end of a lease. (Applause.) The Ulster Conservative members were and had always been anxious in their inquiries and their efforts to carry out a moderate amendment of the Land Act in points where it could be shown it had worked badly. He hardly liked to say it in his presence, but he did not know of any one of those Ulster members more vigorous in conducting those inquiries than his friend and colleague Mr. Chaine. (Loud and prolonged applause.)

These inquiries and endeavours they would not relax. They made them in the hope that they might yet see the Land Act amended upon certain points where it has been shown to work badly, and they might yet see the legalization of tenant-right at the end of a lease. (Loud cheers.)

Mr. JAMES CHAINE, M.P., who was received with loud cheers, said he was very glad to see such a large and important assemblage of farmers from different parts of the country. He thought the Conservative Government had shown a considerable willingness to grant a certain measure of concession, and give this country into the hands of the people themselves. He referred to the passing of the Sanitary Act. They put the management of that act into the hands of the people—into the hands of Boards of Guardians, who were elected by the people. He thought that the act would in time bear fruit. (Hear, hear.) In the last session of Parliament they had done very much the same thing. They had put very much the education of the poor in the hands of the people—into the hands of the Boards of Guardians. The Government did not say that that act should be compulsory. He thought they had shown a willingness to benefit the country. The Government said if they were so anxious for the interest of the people they would find them so much money—they would go half-and-half with them. To the opinion which he stated from the platform as regards tenant-right at the end of a lease, and the other questions which so agitated the country at the recent election, he again gave his hearty support. (Applause.) The tenant-right of this country had grown up with the country. It had been the work of the Conservative landlords chiefly, and the Conservative tenantry. (Applause.) Mr. Chaîne, after referring to some work done during the past session of Parliament, concluded by saying the Conservative Government do not object to amend the land question, but they object to amend the question which has not been agreed upon. He was not one of those people who believe that, because Conservative, the country should stick in the mud and do nothing. But they were not going to seek change for the sake of change. (Hear, hear.) They were not going to change for the worse—not until they saw that the thing they suffered was very bad indeed. (Applause.) Mr. Gladstone changed a good many things for the sake of change. He thought the late Government made a good many changes to keep themselves where they were. (Hear, hear.) If a real grievance was pointed out he was sure that those who were in power would set that grievance right. (Applause.) So far as he saw, he thought that Parliament was inclined to deal rightly and well with the country, and he should be always inclined to give

his hearty support to the present Government so long as it continued to act thus in Irish affairs. (Applause.) He hoped that the next time he had to address them he would be able to inform them that something had been done in this land question. It was not a question to be dealt with by any private member; it was not a question which two or three men out of between 600 and 700 could deal with. But if the Government could be persuaded to take hold of the question in some practical way, it was the only real, direct way a bill of such magnitude and importance could be brought in. (Loud cheers.)

Dr. MUSSEN moved, and Mr. LARMOUR seconded, a vote of thanks to Mr. Falkiner.

Mr. FALKINER briefly returned thanks.

Mr. HIGGINSON moved the following:—"That we desire on the present occasion to express our entire confidence in our county members, Messrs. Chainé and O'Neill, believing that it is their earnest wish, where an opportunity offers, to use their influence on behalf of the tenant farmers in obtaining a bill towards legalising tenant-right at the expiration of a lease, and effecting other substantial improvements in the present law of landlord and tenant."

Mr. CORKINS seconded and Mr. SAMUEL BALLANCE supported the motion, which was passed by acclamation.

Dr. MUSSEN having been called to the second chair, a vote of thanks was passed to the chairman.

Three cheers having been given for the Hon. Edward O'Neill and Mr. Chainé, the proceedings terminated.

his hearty support to the present Government so long as it continued to act thus in Irish affairs. (Applause.) He hoped that the next time he had to address them he would be able to inform them that something had been done in this land question. It was not a question to be dealt with by any private member; it was not a question which two or three men out of between 600 and 700 could deal with. But if the Government could be persuaded to take hold of the question in some practical way, it was the only real, direct way a bill of such magnitude and importance could be brought in. (Loud cheers.)

Dr. MUSSEN moved, and Mr. LARMOUR seconded, a vote of thanks to Mr. Falkiner.

Mr. FALKINER briefly returned thanks.

Mr. HIGGINSON moved the following:—"That we desire on the present occasion to express our entire confidence in our county members, Messrs. Chaine and O'Neill, believing that it is their earnest wish, where an opportunity offers, to use their influence on behalf of the tenant farmers in obtaining a bill towards legalising tenant-right at the expiration of a lease, and effecting other substantial improvements in the present law of landlord and tenant."

Mr. CORKINS seconded and Mr. SAMUEL BALLANCE supported the motion, which was passed by acclamation.

Dr. MUSSEN having been called to the second chair, a vote of thanks was passed to the chairman.

Three cheers having been given for the Hon. Edward O'Neill and Mr. Chaine, the proceedings terminated.

...to the present Government so long as it
 ...to act in Irish affairs. (Applause.) He hoped
 ...time he had to address them he would be able
 ...that something had been done in this land
 ...was not a question to be dealt with by any but
 ...it was not a question which two or three men
 ...out of 600 and 700 could deal with. But if the
 ...Government could be persuaded to take hold of the question
 ...in some real way it was the only real direct way a
 ...bill of such importance would be brought in.

(Loud applause.) Mr. Lynam seconded a vote

of thanks to Mr. Lynam.

Mr. Lynam then returned thanks.

Mr. Lynam then said the following:—“That we desire

on the part of the Government to express our entire confidence in

our countrymen, Mr. Lynam and O'Neill, believing

that they have done well, and that an opportunity offers to

use their influence on behalf of the tenant farmers in obtaining

a bill towards legislation in the right of the expansion of a

land, and effecting other substantial improvements in the

present law of landlord and tenant.”

Mr. Lynam seconded Mr. Lynam's motion.

ported the motion, which was carried by acclamation.

The motion having been carried the second chair a

vote of thanks was passed to the chairman.

Three cheers having been given to the Hon. Edward

O'Neill and Mr. Lynam the proceedings terminated.