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A CRY FOR RELIEF

FROM

ULSTER AND MUNSTER

AGAINST

UNJUST EXACTIONS.

BY

Thomas Small,
SUB-PERPETUITY TENANT.

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Hitherto, in these provinces, the bare suggestion of a perpetuity, or anything like fixity of tenure, at once carried with it an irresistible attraction for all persons who were in the present possession of the means of making a provision either for their own old age or for those who were dependent upon or should succeed them.

The capacities of most men fitted them to understand the true nature of an interest held under a Fee Farm Grant at a fixed rent, but the attraction for such an interest was still stronger when that tenure by Fee Farm rent was derived from a corporate body which was made the especial object of favour by an illustrious sovereign for the en-

couragement of learning, and not for any exclusive benefit or aggrandizement of any of the members of that Corporate Body.

The single fact that the rents such as were reserved by such Fee Farm Grants were made subject to a fluctuation of a lesser or greater amount according to any real increase or diminution in the value of land, if fairly and honestly carried out, could not with reason have deterred intending purchasers of any such interests. Many of the tenants on the Estates of Trinity College who had purchased perpetuity interests on the Estates of the College discovered, when too late, that such interests had been derived by means of the operation of a Private Act of Parliament obtained by the College, and that the Act had been for a considerable time out of print, and could not be obtained from Her Majesty's Printers. The tenants, however, have been made to learn that, by reason of the powers conferred by that Act, they have been required as insisted upon by that Corporate Body to render themselves liable to an actual **increase** of rent, **over** the rents reserved by the Fee Farm Grants, amounting to 32 per cent. It must here be added that the College then alleged a right to a further increase of rents by means of the power conferred upon them by the Act of 1851, making, altogether, an increase of 47 per cent, over the original rent reserved by their Fee Farm Grants, and this allegation they used as a lever for enforcing submission by the tenants to the actual increase of 32 per cent.

Our lands, by this process of exaction on the part of the College—in many instances held by our predecessors in title for centuries—have been rendered not only unsaleable and of no marketable value, but not even a security for obtaining any cash advance whatever. The short and vital question which we desire to put forward for solution by the Legislature is whether Her Majesty and her Lords and Commons in Parliament assembled will any longer permit a proclamation to go forth through the instrumentality of the tribunals solemnly established by them in 1881, that, upon sworn testimony, lands in Ireland have materially decreased in value since the period when the Fee Farm

Grants were made by the College and yet hold their shield over Trinity College, which derived its existence as a Corporate Body from the bounty of its Sovereign, and to permit that Body to assert that all evidence before the Land Commission Courts is false and unfounded, and, in the assertion of their rights of increase under the guise or plea of some fallacious and unintelligible scale for fluctuation of the rents, contained in their Private Act of Parliament, extort unjust exactions in the form of increases of rents from their tenants, in the face of uniform and established decisions as to the decreased value of land.

This is only intended as a concise description of the strong feelings very generally expressed at a meeting held in the month of February last, which was prefaced by the chairman, saying in part, as follows—“It is a great satisfaction to me to see so many of my friends and neighbours united together, forgetful of name and party, for redress of a common grievance,” which was supplemented by the following resolutions, first :—

Resolved—1st—That the position of all persons holding any interest in lands in this county under Trinity College has been since the passing of the Private Act of Trinity College in the year 1851 anomalous, being by means of that Act burthened by very large increases of rent in the face of acknowledged depreciation in the value of land produce.

2nd—That the grantees in perpetuity under the Private Act of 1851 insist and demand that they shall be restored to the literal terms of their respective grants in fee, freed from any fluctuation.

3rd—That the increase of rent hitherto claimed and obtained by Trinity College by means of their unjust and universally condemned scale of fluctuation of the rents payable out of the lands held by their tenants according to prices of certain commodities set forth in the Private Act of Parliament, and which have been extorted from them in the face of very large contemporaneous reductions of rents being made in this county by the Land Commissioners.

4th—That the representatives in the Imperial Parliament of the several divisions of the county be immediately and urgently called upon to take the very earliest and every opportunity for obtaining for those interested in the lands held under Trinity College, the redress which their position so strongly and imperatively demands.

That a copy of the foregoing resolutions be forthwith forwarded to each of our County Members.

The resolutions were seconded by Mr Thomas Small, and passed unanimously.

A vote of thanks to the chairman having been proposed by John Hughes, Esq., J.P., seconded by John J. Eccles, Esq., P.L.G., the meeting closed.

I have only, in conclusion of this short epitome of the many grievances under which the tenants and occupiers have long been suffering, to add that the feelings of the injustice with which they have been treated is still more strongly brought home to them when they find many of their neighbours as tenants and occupiers on Church Lands which were vested in a Corporate Body, thereby armed by similar powers for the fluctuation of the rents payable to them, never demanded any increase of rents in face of what was passing before their eyes and was known to every one who cared to know it.

Since preparing the above observations for publication, my attention has been arrested by a very remarkable letter—to which I would earnestly direct the attention of all who are in any way interested in the estates held under the College—written by Daniel O'Connell, Esq., of Darrynane Abbey, County Kerry, dated April 2, and appearing in the "IRISH TIMES" of 8th April, 1886. In the perusal of that letter, they will reap, as I think, a rich reward, as it furnishes an illustration of the mode of dealing as carried out in practice by the College towards, not alone their immediate tenants, but also the under tenants who, from the indulgence and liberality of the immediate tenant to the College, were induced to erect, and did erect, expensive buildings upon the fancied security of a covenant for renewal by their immediate tenants, and by whose exertions, in fact, a town was erected without any assistance from the College.

The College had the power, if they thought fit, to make a Grant in Perpetuity to two out of the three tenants joined in one single lease if they thought fit; but it appears that they refused to do so in the case

of Mr. O'Connell, from their keen appetite for, not alone the interest in the lands and the expenditure of Mr. O'Connell and his predecessors in title, but also the large expenditure by the occupying under-tenants, as made by them under the fancied security of their covenant for renewal, by an indulgent landlord. With those observations, I will simply reprint the letter—

TO THE EDITOR OF THE IRISH TIMES.

SIR.—My attention has been called to your report of the Earl of Leitrim's speech in the House of Lords on 22nd ult., in regard to the estates of Trinity College. His lordship's reference to me in that speech are not quite correct.

I did not decline to take out a fee-farm grant of the property I held under the College. There were two others holding under the same lease as I did. One of them was willing to join me in taking a grant, but the other would not, and the College, as they were entitled to do, refused to make the grant unless to all three tenants.

Lord Leitrim was also misinformed as to the dealings of the College with the occupying tenants. My lease expired in November, 1865, and the College then got possession of the estate, which includes the town of Caherciveen.

The College immediately had the rural holdings valued, and changed the rents. In some instances, I believe, they were lowered; but on the whole there was an increase. After the Land Act of 1881 the College, as Lord Leitrim correctly states, had the lands again valued, and reduced the rents.

So far as to the rural part of the estate. The town was differently dealt with.

When my grandfather—"the Liberator"—acquired the property on his father's death, in 1808, he made leases at little more than nominal rents—5s, 10s, &c.—of building plots in Caherciveen for his own term, with a covenant to renew whenever his lease was renewed, but without any rise of rent or any fine. He also established fairs—thirteen in the year—a butter market, &c. In consequence Caherciveen, from a few thatched cabins, became a thriving and busy town, with in 1841 a population of over 1,800. In 1881 it was over 2,000.

The rent I received from Caherciveen town was in 1865 £78 13s. The College immediately raised it to over £700—an increase of about 800 per cent. And this, though they had never expended a farthing on the town, which was created solely by the occupiers, encouraged by the liberal terms they got from my family.

The College have since raising the rents expended some money on the town in building a new butter market, &c.; but not one-fourth of the increased rental they have got for twenty years.—Yours, &c.,

DANIEL O'CONNELL, of Darrynane.

P.S.—The poor-law valuation of buildings in the town of Caherciveen was in 1852 £924 16s. On deducting church, chapel, convent, and schools, £860 12s, all due to the expenditure of the tenants.

D. O'C.

Darrynane Abbey, April 2nd, 1886.

