P5882660 blc 30107003829303

# HIBERNIAN HORRORS:

OR,

THE NEMESIS OF FACTION.

### A LETTER

TO THE

RIGHT HON. W. E. GLADSTONE, M.P.

BY ALFRED AUSTIN.

LONDON:

JOHN MURRAY, ALBEMARLE STREET, 30%

The right of Translation is reserved.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, LIMITED,

STAMFORD STREET AND CHARING CROSS.

SOLVECHNIC SOLVENCY S

# HIBERNIAN HORRORS;

OR,

#### THE NEMESIS OF FACTION.

To the RIGHT HONOURABLE W. E. GLADSTONE, M.P.

SIR,

When last I presumed to address you, you occupied what you have since described as a position of greater freedom and less responsibility. There were those who ventured to remind you that a person of your eminence in vain seeks to widen the limits of the one without enlarging the boundaries of the other; that freedom and responsibility, where such a one is concerned, are the finely adjusted scales without which the balance of the Constitution cannot possibly be preserved; and that you could, by no expedient of the mind and no ingenuity of the conscience, resort to any form of public action, or indulge in any method of public utterance, for which the responsibility was not exact and commensurate. You took no heed. On the contrary, you expanded your liberty into what most men regarded as licence, and acted as though you were irresponsible altogether.

What have been the consequences? It is true you have become Prime Minister. But, in what chiefly appertains to our Foreign Policy, upon which, as a critic, you expended such tumultuous energy, you had to signalize your accession to Office by an unedifying

apology that has since ripened into a retractation. In regard to Ireland, upon whose politics you lavished the remainder of your invective, you have been more consistent; but you have been consistent at the expense of your country. It was impossible you should throw yourself overboard altogether, and yet pretend to remain the pilot of the State. Compelled, by the resolute attitude of a Power you had most unseasonably denounced, to desist from your famous project of co-operating with Slavonic ideas for the dismemberment of the Ottoman Empire, you had no option, unless you were to abandon every portion of your Opposition programme, but to co-operate with Irish ideas for the disintegration of our own.

The result is now before the world. It is little more than four years since I took the liberty of remonstrating with you. You had just entered upon what may be called the pamphlet period of your career. You had published "Bulgarian Horrors." Yet, is it possible that the author of that notorious production, and the present tolerant First Lord of the Treasury, are one and the same person? You, the writer of "Bulgarian Horrors," have allowed Ireland to be turned into a Bulgaria, yet you do not seem to be horrified!

Surely we are here in presence of an extraordinary exhibition of inconsistency. You were not responsible for the atrocities committed in Bulgaria; and neither was Lord Beaconsfield, upon whom you laboured, with a persistency that rather scandalized than convinced, to fasten the obligation. Yet you filled the heavens with your clamour, and protested that you could not sleep till the abominations of Turkish misgovernment were swept away. We are now, and have for some time been, in presence of atrocities nearer home, and

of misgovernment that touches us somewhat more closely; yet you appear to find these atrocities, though they are perpetrated at our very door, more or less tolerable; and for the misgovernment and apathy of the Executive in Ireland, which were never exceeded by Beys and Bimbashis, you have not a syllable of reproof, since for these you do happen to be responsible, in a word, because this amazing misgovernment is your own. Are you aware what your countrymen are thinking? They are contrasting your fury of four years ago with your tameness now, your prodigious activity when you ought to have been quiet, with your portentous apathy when you ought to be up and doing. Is it wonderful if they conclude you expended so much energy in wanton agitation, that you have none left for the proper purposes of Rule?

Yes, we, alas! have got our Bulgaria; and, what apparently is still more unfortunate, we have got you to deal with it. Pamphlets are, as a rule, fugitive productions; but you can scarcely hope that your "Bulgarian Horrors," and your "Lessons in Massacre," are forgotten already. Will you allow me to cite from them a few brief passages, by reason of their singular pertinency to your and our present condition? At page 11 of "Bulgarian Horrors," I find it stated, that in order to obtain security against the repetition of unexampled wrongs, "The nation will have to speak "through its Government; but we now see clearly that "it must first teach its Government, almost as a lisping "child, what to say." At page 19 of the same work, we meet with scornful allusions to "general attenuations "of the matter, as what must be expected to happen "among savage races, with a different idea or code of "morals from our own; difficulties in deciding on which

"side lay the balance of crime and cruelty, bold assur-"ances that the insurgents were the aggressors, sug-"gesting the reflection that the chief responsibility "must rest on him who strikes the first blow;" while at page 33, we read withering accounts of "the entire "and violent lawlessness which still stalks over the "land." If we turn to "Lessons in Massacre," we are informed, in burning language, at page 43, that it was "four, nay, more nearly five months," before the Turkish Government began to perform its duty; at page 55, that "one outrage perhaps in a hundred had "been repressed or noticed," and that "the presence of "a military force in Bulgaria had been a bad security "against outrage;" at page 68, that "trials had taken "place far from the scene of the outrages, proceedings "had thus been delayed, the effect of example lost, and "the ends of justice to a great extent frustrated;" at page 70, that "the Porte prolonged the reign of terror "and suffering in Bulgaria, by advisedly withholding "military guardianship;" at page 74, that the Porte, which you stigmatize as "weak, impotent, and passion-"ate," "stands unalterably identified with the outrages;" at page 76, that to exorcise the mischief "will be easy, "when the exorcisers are agreed," and finally, at page 80, the last page of the pamphlet, that a respite "is "simply a respite to the criminal, not from punishment, "but from prevention, a year of grace only another "year of debasement, misery, and shame." If it were not invading your copyright, it might not be amiss, and it would certainly be timely, for some one to issue a fresh edition of your celebrated pamphlets, only substituting the word "Ireland," for the word "Bulgaria," and for the Government of the Porte, your own.

Yes, the condition of Ireland is indeed appalling, and

surely warrants the designation of "Hibernian Horrors." Yet it is not for the purpose of describing the condition of Ireland that I have taken up my pen. That has been made a work of supererogation by a crowd of witnesses, who speak with more knowledge, more ability, and more authority than I can pretend to command. The object of this letter, as its title implies, is rather to point out that these Hibernian Horrors are the Nemesis of Faction; that you personally are responsible for them; and that your responsibility for them commenced with, and dates from, your abdication of the dignified reserve of a Statesman, and your unhappy adoption of the resources of the agitator. You have inspired numbers of your adherents with an enthusiasm almost akin to veneration; and though your political opponents may not regard you with homage equally undiscriminating, the more judicious of them entertain for you sincere respect. But some distinction has necessarily to be drawn between the elevation of your private character, and what they consider the perversity of your public conduct. You allowed this distinction before; and your indulgence is craved for it once again. On most occasions, when a character is challenged that men esteem, though they may not pervert truth to his extenuation, they can at least be silent. But suffering patriotism knows no such refuge. When the common weal is in danger, reserve is a crime.

The points, then, to be established, are these :-

1st. That you, the author of "Bulgarian Horrors," are mainly, and more than any one else, responsible for Hibernian Horrors.

2nd. That this awful responsibility is the Nemesis of Faction; the lineal and inevitable sequel of the unfor-

tunate course adopted by you in the autumn of 1876, and persisted in till the spring of the present year, when you acceded to Office.

I am well aware that in an age which labours to be very tolerant in order to appear a little wise, it would be easy to purchase some cheap credit for impartiality by allowing that the land laws of Ireland should in fairness be saddled with a portion of your responsibility. But who would care to acquire a character for judicial impartiality at the expense of justice? If the land laws of Ireland were as vicious and inequitable as, only ten years ago, you assured us you had by your Land Act rendered them fair and reasonable, and if every landlord in Ireland stickled for the last jota of rights which we will assume to be excessive, though you yourself conferred them, that would not help your position, nor diminish your responsibility one jot. It would not, in the very faintest degree exonerate you from the obligation to uphold the law as it stands, and to deal swift and sharp retribution upon those who agitate for its alteration by ringing the changes upon every crime known to the calendar of felonious offences. Do you think that your countrymen are such sophists, or the slaves of such sophists, that you or any one can persuade them that, even if the Irish Land Laws you so recently reformed are still in need of reformation, an organized conspiracy to violate them is a proceeding you are not bound to prohibit and to punish? Do you suppose that they have become such converts to new ideas of right and wrong, so completely fascinated by the superior morality of philosophical Radicalism, as to consider it highly reprehensible in Irish landlords to entertain a lingering regard for statutes of your making, and only natural and to be expected that Irish

tenants should resort to breach of contract, to turbulence, and to intimidation, in order to procure their repeal? No, no, Sir! There is a limit to the stultification of the human reason, even by such lofty authority as yours; and prone as men are to admire you, they cannot allow you to play fast and loose either with their conscience or with their understanding. No doubt. you have done what you think to be right. But it is not enough to be virtuous; it is equally indispensable to apprehend in what public virtue consists. It is true that, since you have obtained power, you have ceased to be an agitator; but are you not still suffering from something of that perverted moral judgment which the practice of agitation almost invariably entails? It has been observed by a great moralist who has instructed us all, and the sad tidings of whose death reaches me even as I am writing, that "no man, whether prophet, statesman, or popular preacher, ever yet kept a prolonged hold over a mixed multitude without being in some degree degraded thereby." The reference is to Savonarola. With him, however, it might be inappropriate to compare you, since in consequence of your extreme sensibility to popular currents, you are perhaps scarcely likely ever to become a martyr to your opinions.

But one thing must be made clear, and kept clear; and that is, the utter irrelevancy of the merits of the Irish Land Laws to the paramount obligation under which you lie to uphold law, order, and personal liberty in Ireland. No one says that the Land Laws of Ireland are perfect. It is not necessary to maintain that they are not very defective. If you like, they shall be as bad as you have recently discovered that they are. But what then? No Irish landlord can by any possibility

have extorted from his tenants anything more than existing laws, and to a certain extent laws made by yourself a decade ago, assign him. Few landlords have dreamed of extorting as much. The vast body of them have always been content with considerably less. But even if this were not so, you cannot hold those who observe the law, however selfishly or pedantically, responsible for the illegalities of those who violate it. Let good laws be maintained, and let bad laws be abolished or modified; but let both be respected, and, if you happen to be the Executive, cause both to be respected, until they are changed. This is precisely what you have not done. Nay, you have done immeasurably less than this. Because there are certain features in the law of contract between landlord and tenant in Ireland, which you allege ought to be altered, you have allowed Irish tenants to violate every portion of the contract between themselves and their landlords; and not only have you allowed them to do this, but you have permitted them to break every law of God and man, in attempting to coerce their landlords into being consenting parties to that violation. When it is said you have permitted these things to be done, these crimes to be permitted, these violences to be perpetrated, what is meant of course is, that you have sate idly by, and have deliberately abstained from trying effectually to prevent them. Indeed, you have allowed people to conclude that you consider a portion of the existing laws so objectionable, that you, the Executive Government of these Realms, cannot think of applying for the necessary force to compel respect for law at all! What should we say of a person who refused to extinguish a fire because he did not quite like a portion of the house that was being burnt? And what would be

our opinion of him, if he further happened to be a professed fireman specially left in charge of the premises, and handsomely paid for extinguishing the flames in the contingency of there being a conflagration? That Irish tenants have broken their contracts with their landlords, is notorious; but they have not done so more flagrantly than you, Sir, have broken yours with the English people. You have done so, no doubt, from ignorance, from inadvertence, from misfortune, from a passion for consistency, from sympathy, from enthusiasm, from I know not what, but, in any case, from the best of motives. But the result is as unfortunate as though you were inspired by the worst. It is difficult to speak as one would wish of a Minister people privately esteem, yet whose conduct they publicly deplore. You have immense attainments, rare eloquence, long experience, superhuman energy, earnestness that frightens, and perseverance that appals. You know every language worth knowing; you are acquainted with every literature, every art, and almost every religion; you are familiar with the inner meaning and personal purpose of poets concerning whose very existence some persons have doubted; you are learned in Conclaves, Councils, and all the weary controversies of Christendom, past, actual, and to come. In fact, you know everything under the sun, except how to govern.

The attempt, therefore, to extenuate your responsibility for the horrors to which Ireland has become a prey, by invoking the imperfection of the Irish Land Laws, is of no avail. But we have been told that, by rejecting your Compensation for Disturbance Bill last Session, the House of Lords ought in fairness to be held in some measure responsible for the present Reign of Terror in Ireland. You are hemmed in, on every side,

against advancing such a pretence. In the first place, the Bill, if passed, would have done absolutely nothing to preserve peace and order in Ireland; though it is probable that the fact of its having been brought forward has ministered in no small degree towards promoting their infraction. Let us call into court the most unimpeachable witnesses. Night after night, when your colleagues were struggling to force the acceptance of the Bill on a reluctant House of Commons, the men who are now the mouthpieces of disorder, sedition, and disloyalty in Ireland, kept protesting, in language peculiarly their own, that it was a mean, miserable, and beggarly measure, and that it was in no sense, and in no respect, what the people of Ireland demanded. They have since a thousand times repeated this description of it, while addressing the monster meetings convened by the Land League; and, to crown all, Mr. Parnell declared, only a fortnight ago, that the only reason he had for not taking the trouble to offer an effective opposition to a Bill he regarded as an imposture, was the certain conviction that the House of Lords, as he gracefully put it, would perform that dirty work for him.

That is the first answer to the plea that the House of Lords is partly responsible, along with yourself, for the horrors that are being enacted in Ireland. But there is another answer equally cogent and equally conclusive. Observe what the plea amounts to. It infers that the repeal of a law by the House of Commons is, for all practical purposes, final and sufficient, even though the consent of neither the House of Lords nor of the Crown has been obtained. This is pretty Constitutional doctrine, to proceed from the Head of a Cabinet that contains six actual Peers and

another in prospect! This truly is an appropriate argument from the Leader of the Liberal Party, by whose votes alone the Bill would have been rejected in the House of Lords, had every Conservative Peer absented himself from the Division, and a considerable number of whose members even in the House of Commons abstained from voting, while several of them, in spite of unparalleled Party inducements and menaces,

voted against it.

No; the deeper and the more unflinchingly we search for the authors of the present hideous condition of Ireland, the more inevitably are we driven to the conclusion that your Cabinet, and you more than any member of it, are the persons of whom we are in search. This is not to forget the far-reaching vindictiveness of that democratic sinecurist, your Chancellor of the Duchy of Lancaster, who doubtless flatters himself that he will soon be able to chant his Nunc Dimittis, since he descries the coming fulfilment of the malevolent dream of his life, the destruction of large landed properties and the disappearance of English country gentlemen, against whose existence he cherishes a grudge, the cause for which I will not attempt to determine. This is not to forget the special responsibilities of your Lord Chancellor, vir pietate gravis, who is in a peculiar sense entrusted with the vindication of the law, but who appears to think he has sufficiently vindicated it when he has delivered himself of some platonic platitudes at a Mansion House Dinner. Neither need we lose sight of the exceptional responsibilities of your Secretary of State for India, who has lent you his character for moderation and strong sense, and who will certainly never get it back. Nor are men oblivious of the pitiable vacillations of poor Mr. Forster, who, for some reason unknown to me, excites rather their pity than their anger; or yet of the damning reserve of your once voluble Home Secretary, since nothing but superhuman embarrassment could shame him into silence. But these, one and all, inferior figures, inferior factors, they instinctively brush aside, when they contemplate the awful state to which law, society, morals, everything deserving of honour or preservation in Ireland has been reduced, and, casting about them for the main culprit, they look for you, and with profound reluctance, but no hesitation, exclaim, "Thou art the man!"

For when, and how, did the present desperate condition of our affairs begin? It began with the sowing and scattering of reckless agitation; and agitation, grown into violence, and ripened into sedition, is the harvest we now have to reap. The original sin was yours; yours was the serpent's seed. It was you who drove the furrow; it was you who prepared the crop. This is far, as you will see, from being the whole or the end of your responsibility; but it was, so far as Ireland is concerned, the first in that succession of sinister events that have culminated in the repudiation, by a large proportion of the Irish people, not only of all legal contract, and of all social obligation, but of all moral law. The deplorable words by which Irish tenants were first incited to employ violence against their landlords, and Irish rebels encouraged to propagate disloyalty to their Sovereign, have repeatedly been quoted. But so long as treasons, stratagems, and toils, torment the loyal portion of the Irish people, those words can never become obsolete. Besides, there is a fresh application to be made of them, and one more proof to be adduced, and that a damning one, of their

fatal consequences. Here are the words, in their hideous nakedness, as approved by yourself, and republished with your special sanction:—

"When it came to this, that a great jail in the heart of the Metropolis was broken open under circumstances which drew the attention of the English people to the state of Ireland, and when in Manchester policemen were murdered in the execution of their duty, at once the whole country became alive to Irish questions, and the question of the Irish Church revived. It came within the range of practical politics."

Now, Sir, be good enough for a moment to accompany me across the Atlantic, to follow me to a large hall in Newark, New Jersey, and to listen to another orator, another agitator, addressing a multitude as large and as enthusiastic as any you yourself ever addressed in Midlothian. See, he speaks:—

"I want you to help us to put on the pressure which is necessary to bring England to her senses. What did Gladstone say the other day in Scotland? He said it was not till a prison was blown up in the Metropolis, or a police officer shot in Manchester, that the Irish Church question came within the domain of practical English politics. I think that these people murdered yesterday will help us forward yet. We in Ireland are not listened to in England."

Do you recognise the orator? You ought to do; for, though apparently co-operating with you now, he has obstructed you often. It is Mr. Parnell, and the day is the 6th of January, 1880—a strange and ominous anticipation of another 6th of January, yet to come. You grow pallid; and well you may. Is it from terror, from stupefaction, or from remorse? But, come away.

If you linger, he may recognise you, may single you out from the crowd, and crush you to the ground with the grateful quotation:—

"A Daniel, still say I—a second Daniel!

I thank thee, Jew, for teaching me that word."

Do you not see how fearful is your responsibility? How came you, men are all asking, to enter upon the insane course which has conducted you, by the inflexibility of moral fate, to so terrible a termination? You were not obliged to write "Bulgarian Horrors." You were under no compulsion to pursue Lord Beaconsfield, day after day, week after week, and month after month. You were free to practise a dignified and patriotic reserve, or, if departing from a silence you had ostentatiously imposed upon yourself, you might have assisted an anxious Government, notoriously conspired against by the eternal and unsleeping enemy of this country, in its difficult endeavour to avert a formidable menace to European peace. But you fancied you saw an opportunity of embarrassing, and possibly of overthrowing, Lord Beaconsfield; so you suddenly plunged from the sweet recesses of contemplative retirement, into the bitter turmoil of uncompromising agitation.

From that moment your freedom was gone. You forfeited the independence of your will and the liberty of your judgment, and you bound yourself, hand and tongue, a slave to necessity,—the necessity of carrying your point and driving Lord Beaconsfield from power. Your expectation, your hope, the plan of your campaign, was to expel him from power upon the Eastern Question. In that, you were baffled. But you had

put your hand to the plough, and you could not turn back. Disappointed in your strategy of trying to force on an immediate Dissolution, and fearing that by the time a General Election occurred the misconceptions concerning foreign policy propagated by your passionate invectives would be dispelled, you cast about you for another subject for popular oratory, and you found it in the Land Question. Having failed to befool the nation on the question of its honour, you approached a large and powerful class on the vulnerable side of its greed. Borrowing the desperate ejaculation of the most vindictive of pagan divinities,

" Flectere si nequeo superos, Acheronta movebo,"

you shifted your appeal from the loftiest sentiments to the lowest passions of mankind, and having failed to persuade them to betray their country, you began to incite them to plunder their neighbours. Every one will recognise the adroitness that inspired you, in conducting your new campaign, to break ground first in Ireland. Neither can it be truthfully denied that your success in that country has been immense. Possibly it has exceeded even your own expectations, for your victory there is blazoned in Hibernian Horrors. Are you horrified now? Upon my word, you need to be; for they are indeed the Nemesis of Faction.

You do not hear that phrase for the first time in reference to your unhappy victory. On the morrow of your apparent electoral triumph, there was one who ventured to predict that you would be "steadily dogged "from the outset, and in the end ignominiously de-"feated, by that great earthly Nemesis, human nature."\* But no one thought that "Pæna pede claudo" would

<sup>\*</sup> Vide "The Fortnightly Review" for June, 1880.

overtake you with such prodigious strides. Lord Beaconsfield has remained silent respecting the methods by which you destroyed his Government, and the awful series of political blunders, of political disasters, and, if I am to say what every one is thinking, of political crimes, that have darkened your own. But though he has maintained silence, others have not failed to contrast you with him; and your countrymen are at this moment all saying, some with regret, some with remorse, that if Lord Beaconsfield had been still in office, Ireland would not now be in a state of social disorder and moral disintegration, compared with which open insurrection would be almost a welcome change. He has made no sign, he has raised no hand, he has struck no blow. But you have avenged him on yourself. At this moment his reputation as a Statesman stands higher than ever; while yours is plunged into an abyss of discredit from which it is difficult to see how it can ever emerge. Yours has been the career, with the inevitable conclusion, of the avalanche, which after threatening to crush the mountain side under its headlong plunges, finally dwindles and disappears in the valley it filled for a moment with its evanescent noise. His fate it has been to seem for a while to suffer from your precipitate fury; but, on calmer and closer inspection, dinted by a few noble scars, he still soars aloft in silent majesty.

A few years ago, there was a public character that attracted to himself much public curiosity, and some popular sympathy. He called himself the Claimant, and succeeded in persuading Lady Tichborne, and for a time the mercurial multitude, that he was her son. With kindred success, you persuaded the country that you were its hope. Unfortunately, the parallel ends

there; for he was put under durance, while you were put into Downing Street. But there was One, greater than you, that entered with you; noiseless of step, quiet of mien, passionless, though cherishing a stead-fast purpose, unprecipitate, yet penetrating everywhere, a ghost unnoticed and unseen, cloaked, silent, but unsleeping, your perpetual companion, your constant shadow, ever waxing in length, ever darkening in gloom. Go where you would, it still attended you. When you spoke, it prompted; when you wrote, it dictated; when you acted, it led. It directed your hand, it penned your despatches, it presided over your councils, it decided your policy, and determined your doom. It, not you, was First Lord; and its name is Nemesis.

This most faithful of Private Secretaries, already indefatigable, though as yet unpaid, was evidently at your side when you prepared for the Opening of Parliament, and put into the mouth of the Sovereign, the following announcement:—

"The Peace Preservation Act for Ireland expires on the First of June. You will not be asked to renew it. My desire to avoid the evils of exceptional legistation in abridgment of liberty would not induce me to forego in any degree the performance of the first duty of my Government in providing for the security of life and property. But, while determined to fulfil this sacred obligation, I am persuaded that the loyalty and good sense of my Irish subjects will justify me in relying on the provisions of the ordinary law, firmly administered, for the maintenance of peace and order."

No one who had not, by bartering his liberty for success, become his own Mephistopheles, could have

composed such sentences at such a time; and you hastened to demonstrate how complete was your servitude, by the most extraordinary contradiction on record. Immediately after announcing that you were persuaded that the loyalty and good sense of the Irish people would justify you in relying on the provisions of the ordinary law for the maintenance of peace and order, you introduced a most extraordinary measure, and a measure to whose extraordinary character you testified, by proposing that it should operate for only two years; and having introduced it, you then sought to extort the acceptance of it from the Legislature by pleading that Ireland was within a measurable distance of civil war! In presence of self-contradiction so flagrant, one is reduced to silence. One can but state it, and pass on.

But stay! There is a loophole of escape for you. I perceive that your words were that the ordinary law would suffice, if "firmly administered." Would you like to plead that it has not been firmly administered? Certainly, everybody would agree with you; and if you desire to pass under that door of humility, it is

left open for you.

But there is yet another observation to be made respecting this extraordinary justification of extraordinary measures after you had protested that ordinary measures would suffice. What could you have meant by saying that your "desire to avoid the evils of excep-"tional legislation would not induce you to forego in "any degree the performance of the first duty of your "Government in providing for the security of life "and property?" What was your object in announcing that you were "determined to fulfil this sacred obligation?" I should think you would be a little perplexed to furnish answers to these questions. But

Nemesis can answer for you. Nemesis inspired you with the above copious assurances, in order that you might first publicly confess that the obligation was sacred, and then not fulfil it; in order that, having pledged yourself not to forego your duty in any degree, the contrast between promise and performance might be all the more glaring, when you came to forego your duty altogether.

The Session proceeded; and every day the Legislature assembled made it more patent that, promise and protest as you would, you were a mere powerless puppet in the hands of your irrevocable past. As we have seen, you had announced, with a curious infelicity which could have been prompted only by that unrecognised but avenging inspirer that was bent on your confusion, that you would in any case "avoid the evils "of exceptional legislation in abridgment of liberty." Yet the very first thing you did was to propose legislation avowedly exceptional, in abridgment of the liberty of landlords. The boast was hardly uttered, before you introduced your Compensation for Disturbance Bill, by which the liberty of landlords to evict tenants who could not, or would not, pay their rent, and to replace them by tenants who both could and would, was not only abridged, but was, to all intents and purposes, abolished for two whole years! Who could explain such contradiction, such inconsistency, such tergiversation, unless he knew that Nemesis was already pursuing his pitiless task, and leading you with silent mockery further and further, and deeper and deeper, into the treacherous quagmire of your Irish bog!

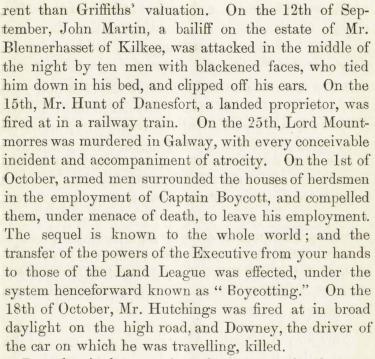
What treatment a Measure, so conceived, and so defended, met with, and what treatment it deserved, it is superfluous to describe, save in the curtest language.

It was openly repudiated by every independent member of your Party, and silently rejected by many members of your Party who were not supposed capable of emotions of independence, even under the grossest provocation; whilst by the Representatives, whether in Parliament or out of it, of the class to propitiate whom the Measure had been invented, it was scouted as contemptibly inadequate, and little better than an insult.

It is no wonder that it was so viewed by them; for, instigated by your memorable words, the Land League had meanwhile been formed, had matured its purposes, and determined its methods. The Session drew to a close; and despite fresh warnings and renewed supplications, you allowed the Legislature to separate without providing yourself with those powers of precaution and prevention it was ready, nay eager, to concede you. Determined, indeed compelled by the irony of Nemesis, not to govern Ireland at all, rather than govern as Lord Beaconsfield had governed it, you contented yourself with expressing a platonic hope that a bountiful harvest would confer peace and happiness upon Ireland. A more bountiful harvest was never vouchsafed to that or any country; but it was attended with results the very opposite of those you had affected to anticipate.

The Vacation commenced; Parliament rose; and as the corn ripened and the roots swelled, so swelled and ripened that harvest of agitation of which you, in your days of irresponsible freedom, had driven the drill and sown the seed. The machinery of fraud, force, and disaffection had now been perfected, and was put in motion. On the 31st of August, Mr. Boyd was murdered in Wexford. Notices were posted in various parts of Ireland, signed by Rory of the Hills, and threatening with death any tenant that paid a higher





But what is the use of continuing to recite the catalogue of agrarian outrages and murders committed in Ireland during the last four months? I have before me a mere bare enumeration, without detail or comment, of these offences, from the beginning of August down to the end of November; and for that period only it occupies sixteen pages of closely-printed matter. in itself longer than the whole of this Letter. I suppose there is not an educated man in the Kingdom who has not read the substance at least of the charges delivered by Mr. Justice Fitzgerald, Mr. Justice Dowse, and Chief Justice May. It would be idle to attempt to reproduce them here. I will only quote, as a sort of summary of the situation, and as a summary carrying authority and weight I do not possess, two short

passages, one from the charge of Chief Justice May, spoken on the 4th of this month, and the other from the charge of Mr. Justice Fitzgerald, delivered on the 7th. Here is the first of them:

"For several months this country has been in a state of anarchy; law has been openly defied and trampled upon; a large portion of the community, urged on by members of this Land League, have practised a system of fraudulent dishonesty in refusing to pay their just debts; the process of the law cannot be executed, and the Queen's Writs cannot issue. . . . This country has been for months in a state of terror. It has been tyrannised over by an unauthorised conspiracy. The people of this country are afraid to assert their rights, and it is not too much to say, the law is defied, life is insecure, and the rights of property cannot be asserted."

Now for the second. After drawing a picture of the comparative tranquillity and freedom from crime in which Ireland had been left by the Government of Lord Beaconsfield, though of course without mentioning the latter, Mr. Justice Fitzgerald went on:

"But at the return from the summer vacation at the end of October last we found all changed. We found that some organization—I do not profess to say or know what it was, but some organization acting on the cupidity, the passions, and the fears of the people— had reduced some districts in the country to anarchy and confusion little, if at all, differing from civil war. Gentlemen, in addition to that, it was obvious to every one that you had to deal with an armed population. The offences which I shall have to describe to you were all committed by armed people. As far

"as I can judge from the official reports, in certain "districts in the province of Munster, which we are "now dealing with, every boy, every farmer's boy, " every farmer's son, and persons of that class, seem to " be armed with a rifle and a revolver; and they cer-"tainly have been used freely in the commission of the "outrages which I shall have to advert to. . . . I do "not wish to be guilty of exaggeration or to create "excitement or alarm. I desire now to express myself "in calm and measured language. That best becomes "one to whom the administration of justice is committed, "and I should fall short of my duty if I did not point "out to you that in several districts, embracing a large "portion of Munster, true liberty has ceased to exist, "and intolerable tyranny prevails. Life is not secure, "right is disregarded, the process of the law cannot be " enforced, and dishonesty and lawlessness disgrace the " land."

Nothing, Sir, as you know, so deeply impresses the law-abiding, law-reverencing people of this country, as a statement emanating from one of Her Majesty's Judges; and the delivery of these charges sent a thrill of amazement and consternation through the land. The London daily press had already done its duty; but, high as stands its character for energy, vigilance, and veracity, men will never be so much affected by the correspondence of newspapers as by the language of the Bench. Day after day the columns of our leading London journals had teemed and overflowed with accounts of the chaos into which Ireland was drifting; and even the organ which extends to you a support of very doubtful value, and whose arguments and ideas of fairness are of so peculiar a kind that I should think you must often

exclaim, "Save me from my friends!" was reduced to palliating, in its leading articles, the facts it was compelled to print in its correspondence. Still, you made no sign. You had dined at the Mansion House on Lord Mayor's Day, and seemed thoroughly satisfied; and Mr. Bright, encouraged by your ostentatious neutrality between violence and its victims, between fraudulent tenants and ruined landlords, took heart of grace openly to declare that, where such persons are concerned and such circumstances prevail, force is no remedy.

But the utterances of the Judges, weighted with normal authority and pronounced with exceptional solemnity as they were, roused you from your inconceivable apathy. You hastily called your Cabinet together, and a number of Councils succeeded each other with unparalleled closeness, while the sittings were unprecedentedly protracted. Men said you were at last going to do something. What it was exactly, they did not profess to know. But the general belief was that you were about to call Parliament together. and to ask for a renewal of the Peace Preservation Act you had so jauntily allowed to lapse, and possibly for power to suspend the Habeas Corpus for a fitting season. At any rate, they all agreed that you would do something or other. They were mistaken; for it soon transpired that Mr. Bright and Mr. Chamberlain would not let you. You had suffered the fate of Irish landlords, and were Boycotted in your own Cabinet by the crypto-Republican members for Birmingham.

What had occurred? Nothing less than the most shameful incident in the long and not particularly edifying history of English Party. Your Chief Secretary for Ireland had tardily reached the conclusion that

force was a remedy, and the one effectual and necessary remedy for the horrible condition into which you had allowed Ireland to sink; and he announced his conviction that whatever remedial legislation might be deemed indispensable in the future, the need for Coercion was urgent and immediate. The word at length had been spoken; and several members of the Cabinet signified their assent to the views of Mr. Forster. Mr. Bright, and Mr. Chamberlain at once declared that if Coercion was resorted to previously to the introduction of remedial land legislation, they should at once resign. If you hesitated a moment whether or not to let them go, I cannot say; but at any rate, your conclusion was to keep them. To part with these two men would doubtless have been to decompose your Cabinet, possibly to break up your Party, and—awful contingency !- to open the road for the return of Lord Beaconsfield to power. Sooner than do that, you determined to leave Ireland to what one of Her Majesty's Judges had just told you was the tyranny of an unauthorized conspiracy that defied the law and made property and life utterly insecure, and another of Her Majesty's Judges, with tears in his eyes and in despairing tones, had described to you as "anarchy and confusion, little, if at all, differing from Civil War."

The scandal was great, and the nation was dumb-founded. Like the messenger in Henry IV., Mr. Forster had posted across the Channel with tidings Shakespeare anticipated with prophetic accuracy—

"Great lords, from Ireland am I come amain To signify that rebels there are up.

Send succours, lords, and stop the rage betime, Before the wound do grow uncurable." Beaufort, the great-uncle of the King, exclaims

" A breach that craves a quick expedient stop;"

and all England was of that opinion on the present occasion. What expedition did you show? What stop did you propose? Something had to be done to satisfy the uneasiness of your own Party; some salve had to be administered to the more tender consciences in your Cabinet, if indeed conscience can be properly mentioned in connection with such a flagrant dereliction of duty. But that something had to be compatible with your retention of Mr. Bright and Mr. Chamberlain; and it was shortly announced that a compromise had been effected, by virtue of which some measure of Coercion should, if still found necessary, be proposed, when Parliament met, along with a large and liberal Land Bill, for redressing the wrongs of the helpless tenants of Ireland!

It may safely be said that so self-condemnatory a decision was never before arrived at by a body of perplexed politicians. When you first formed your Ministry, its admirers boasted that it was the Ministry of All the Virtues, while even its adversaries confessed that it looked uncommonly like a Ministry of All the Talents. A short but painful experience has shown that it was neither the one nor the other, and if it be remembered in History at all, as I fear it will be by reason of the miseries it has caused and the calamities it will bequeath, it will surely be as the Ministry of All the Faults and All the Follies.

For just consider what this decision of your Cabinet implied. It was indeed a compromise; for it has compromised you all. After delays and indifference no one could understand, you had at length avowed that

the provisions of the ordinary law were not sufficient for the preservation of peace and order in Ireland; and that very exceptional measures indeed, and Coercion in some very explicit and stringent form, would be indispensably required, to re-establish law, to reorganize society, and to restore civilisation. Yet at the very same moment that this reluctant avowal was extorted from you by a section of your own followers, you proceeded to put the finishing touch to your self-stultification, by appending the announcement that these necessary measures, this indispensable Coercion, would not be resorted to till the 6th of January at the earliest, or nearly four weeks from the date of your arriving at that conclusion! Meanwhile, confusion was to become worse confounded in Ireland: the American desperadoes whose assistance, as we have seen, Mr. Parnell invoked in order to put pressure upon England, were to have another month for the completion of their projects, for the organization of menace, outrage, and assassination, for the threatening of Judges, for the intimidation of witnesses, for the abolition of property, and for the annihilation of the authority of the Queen. One has heard of men shutting the stable-door after the steed had been stolen, but one never understood that they were regarded as models of wisdom. Yet their sagacity was of a high order when compared with yours, which apparently consists, when you hear that half the stud has gone, in leaving the door ajar until the other half shall have disappeared.

Thus you concluded to do nothing, after arriving at the conclusion that something ought imperatively to be done; and you sought to cover your abstention from effectual and appropriate action by pouring more and more troops into Ireland. One of the constant charges of Mr. Bright, the corner-stone of your Ministry, against Conservative Governments has been, that they apparently could not govern Ireland with less than twenty thousand troops. At any rate, they governed it. Again, see the Nemesis of Faction! You and Mr. Bright cannot, or at least do not, govern it, with considerably more than that number.

One more device for the pacification of Ireland, it is true, you have attempted. I allude to the famous Prosecution that still hangs fire. But, as none know better than yourself, it is, to use a classical Irish phrase, a sham, a delusion, and a snare. It is a postiche Prosecution. Were it a real one, you and your colleagues would have to be included in the indictment.

People there are who, in the vexation of their minds and the bewilderment of their consciences, have tried to solve what seems insoluble, by insinuating that you have purposely, and of malice prepense, tolerated the growth of crime and disorder in Ireland, in order to create an excuse for the introduction of an Irish Land Bill of an extreme and revolutionary character; in other words, that you have deliberately Boycotted the English people. Let me say at once that, where men of such elevation of character as yourself, as Lord Selborne, as the Marquis of Hartington, as Earl Granville, and others are concerned, the suggestion is incredible. But there is one member of your Cabinet, and now evidently its controlling spirit, if not its absolute master, of whom, I submit, it is not unreasonable to believe that he would regard with toleration, if not with complacency, almost any amount of turbulence

that promised to lead to the extermination of the territorial aristocracy of these islands.

For the present, you have fallen under the spell of that evil counsellor, as, all your life, and in every period of your career, you have succumbed to the influence of some person or other less gifted but more adroit than yourself. Under his incantations you are still slumbering. Indeed, all your Cabinet seem to have been thrown into a profound sleep, from which it would appear that, like certain case-hardened criminals, they will not awake, until they are roused to be led to execution.

But that, though a just and, it is to be hoped, not distant penalty, will not recall the mischiefs or end the anxiety you have caused your country. What is the political state of Ireland at this moment, it might not be patriotic to describe in language of too much accuracy. But Mr. Parnell has told you, in words of explicit defiance, that the end of the campaign you chose to inaugurate is entire severance from England; and your conduct has been admirably calculated to further that conclusion. Meanwhile all the fair Charities have been banished from Ireland, and the discredited Humanities are dead or hiding. Reptiles and poisonous things have repossessed the land, and the Island of Saints has been transformed into a lair of demons. How long will England tolerate the shameful spectacle? Do you not hear the rising murmur of an indignant nation? Your popularity has waned; your prestige is gone; and you have only to put it to the test to discover that your magical power to mislead is well nigh exhausted. Believed we otherwise, we should have to conclude that Nemesis was a mere

pagan divinity, discountenanced and dead, and the Eternal Equities a fiction and a name.

I have the honour to be, Sir,

Your obedient humble servant,

ALFRED AUSTIN.

Swinford House, Christmas Eve, 1880. perhaps, has in the world from the violence of agrarian inkimidation

## MR. BRIGHT AND LORD CARNARVON.

was proposed for a wide difference of opinion between us on

The Earl of Carnarvon has addressed the following letter to Mr. Bright:—

"Sir,—At a considerable distance from England I have read a speech which you are reported to have made on the inauguration of a Liberal Club at Birmingham on Nov. 16, and being unable to call attention to it in any other way, I trust that you will excuse me if with all frankness I make some observations upon the singular statements which it contains. I will only add, as a preliminary remark, that I might have written what I have now to say a few days earlier; but my delay was intentional, for I could hardly conceive that after such a speech you would continue to remain a member of Her Majesty's present Government. This doubt is now set at rest, and there is no reason for

further delay on my part.

"On your general exhortation to patience with the anarchy and terrorism now reigning in Ireland, I am not concerned to say much here. I will not disguise my opinion that the first and paramount duty which a civilized Government owes to its people is the enforcement of law and order, and that till this condition is secured even redress of grievances and new schemes of policy are secondary objects. For law and order are the first reasons for which Kings reign, and Parliaments are assembled, and civilized communities exist; and when life and property are not safe, I fail to see what useful purpose a Government fulfils. You, however, not only give a preference to schemes of theoretical reform over the maintenance of law and order, but you appear to go even a step beyond this. Your gentle reproofs fall like balm upon the lawless breaker of contracts, on the Secret Society's man, on the hired murderer, on the coveter of his neighbour's property, on the treasonable agitator, on the rebel in intention if not in act; while you reserve your scathing denunciations for the unhappy owner of land who finds his life in peril if he attempts to enforce the business contracts into which he has entered with his fellow-subjects under the solemn sanction of the law. Such a man, whether he has succeeded to his property through a long descent of father and son, or has acquired it a few years ago on the invitation and faith of a Parliamentary procedure, finds it hard to understand why a distinction is now made between one kind of property and another, still harder to understand how a grave Minister should use the combined weight of his practised rhetoric and official influence to break down the slender bulwarks which separate all that he,

perhaps, has in the world from the violence of agrarian intimidation and club law.

"I was prepared for a wide difference of opinion between us on these questions, but what, I confess, has astonished me is the preliminary proposition which, as a servant of the Crown, you thought fit to lay down in your advice to the Liberal Club at Birmingham. You are reported to have said that, 'almost all the greatest crimes in history have been committed, and almost all the greatest calamities in history have been brought upon mankind by the direct instrumentality of Monarchs and Statesmen,' and that you prefer the judgment of an intelligent and moral people who have no ambition to go wrong, who are not subject to the temptations of Monarchs and Statesmen, and

who, if they err, err from mistake and ignorance.

"This last exquisite picture of human perfection or perfectibility is -I confess it in all humility-so new to me that I will not discuss it. It may perhaps have a place in Plato's Republic, but it has now for a long time been unknown and unfitted to this rough world. Nor need I now trouble myself with the defence of Statesmen. They are a very wide and indefinite class, and may by some be held to include demagogues as well as the sober advisers of Kings and Parliaments. Nor need I enter on a historical refutation of your charge against Monarchs in general—except to say that any one who can make such a sweeping assertion either knows little of history, or has read it to very little purpose. There was a long period when the historian of Rome has declared that the civilized world enjoyed under its almost absolute rulers greater happiness than at any other time. The work of Justinian has survived him by thirteen centuries; nor have the Henrys, the Edwards, the Alfred, the Elizabeth, and the Victoria of our own country deserved so ill of the world that they can be classed among the authors of the greatest historical crimes and calamities. But why multipy inexhaustible examples?

"It would be a waste of time to argue on such a proposition, and I have no desire to dispute on the personal or private opinions which you or any one may hold on the relative merits or demerits of particular forms of government. What I desire to protest against is the use of such language in the mouth of a Minister holding high office under the There is an abundance of bad precedents to be found for almost every kind of bad or foolish speech in our Constitutional history of the past centuries, but I doubt whether any one can be produced to match the language which you, whilst a Minister, have thought it not unbecoming to use. Decency, at least, and the outward respect due to the person of the Monarch have been considered by all English Ministers till now to impose some restriction upon their words in public; and if they conscientiously objected to the Monarchical principle they have considered themselves debarred from the acceptance of office. In no case—so far as I can remember—have they, while sharing and advising in the counsels of their Sovereign, thought themselves free to denounce as the cause of the greatest human crimes and calamities an Institution which in English thought is inseparably associated with the person who represents it. I cannot leave you the excuse of a hasty or unpremeditated utterance. A Minister of your political experience and high gifts of eloquence cannot be supposed to indulge in idle platitudes, or at a critical moment like the present to speak with the stammering lips of a novice on his first hustings. I deny, therefore, that you have the right, so long as you occupy the position which you now hold 'by favour of the Crown,' to use language which may be fitting in the mouth of a Republican, but is irreconcileable with the A B C of Constitutional or any other Monarchy; and if, indeed, such are your deliberate opinions, you must forgive me for saying that, whatever may be your abilities or public eminence, you are in a position false to yourself as an individual, misleading to the nation, and therefore destructive to that public morality to which every Statesman is bound to pay regard. You are attempting to combine a double and incompatible allegiance, and you set an example which, if it is followed, will make Constitutional and Parliamentary Government impossible. There are certain limits within which long custom and the genius of English moderation have compelled our Statesmen to walk, certain restraints upon the unbridled expression of their individual opinion which the acceptance of office has been held to impose; and if they have found themselves unable to submit to this very moderate amount of self-control, they have wisely embraced the only remaining alternative, and confined themselves as private individuals to the duties of independent criticism either in or out of Parliament.

"I will not, of course, do you the injustice of implying any want of personal good faith to the present Sovereign. You have on former occasions expressed yourself on this subject in terms the truth of which it would be ungenerous to doubt: but whatever the contrast between your feelings as to the Sovereign and your avowed preference for Republican Institutions, you set an evil example which goes to the very

root of public sincerity and truth.

"As regards the attacks which you make upon the House of Lords, what I have said of the Crown applies, but in a somewhat less degree, to them. Rightly or wrongly the House of Lords is an inseparable constituent of our English system, and, putting aside the question of good taste, I conceive that a Minister of the Crown in the House of Commons is bound to show outward respect to it as an Institution, on the same manner and to the same extent as a Minister who may happen to be a Peer is bound to show respect to the House of Commons as an Institution. I am not unreasonable enough to ask for justice or moderation in your estimate of the conduct and motives of the House of Lords. There is nothing new in unjust or immoderate judgments; but it is new, and even monstrous, that a Minister of the Crown should, with the full use of his official position, inflame the passions of a popular meeting against an Institution which is only one degree less bound up with the life of the Constitution than the Crown itself.

"You are pleased to tell us that the House of Lords cannot be a

permanent Institution in a free country; but as you have appealed so largely to 'history' I may remind you that it has already lived its centuries, exceeding in duration even the House of Commons; that it is inseparably intermingled with some of the proudest memories of the English nation, of her greatest Statesmen, Captains, Lawyers, Churchmen; and that, though it has been often threatened by orators not inferior to yourself, it has outlived their denunciations, as I trust it will outlive yours. You have often preached a crusade against 'Aristocracy,' whether as a class or a principle; but the class will probably long survive both you and me and all the generation to whom your speech was addressed; and the principle in its best sense is as true a part of Nature, and as indestructible now that the world is old as when it was young. The desire to found a family, the pride in ancestral renown, the ambition to crown past with present honours will be now, as they have been in all times, the noblest inducements to noble action; and if ever there was an assembly which—subject to the defects of all human institutions—was the goal and property of all the popular and democratic excellencies that have sprung into being under that Constitution which you apparently desire to revolutionize, it is the House of Lords.

"It is seemingly an inexpiable sin in your eyes that some or many of its members should be large landowners; and indeed I find it difficult to distinguish which in your opinion is the greater offence, the possession of land or a seat in the House of Lords. Whether by your unqualified denunciations of English and Irish landowners you are likely to conciliate men's minds and to smooth the way towards that Land Bill which it is understood you design as a message of peace to a distracted country, you and your colleagues must judge. But if I follow your example and turn to 'history,' I suspect that some of the greatest landowners may claim a share in the civilization of their country and the improvement of their generation. Possibly even your reading of history may find a page for a Duke of Bridgwater, who consented to poverty in order to enrich a county; for a Lord Leicester, who turned the sands of Norfolk into a region of agricultural fertility; for a Lord Sterling, the great settler of Nova Scotia; for a Lord Selkirk, who could years ago foresee the future importance of a now flourishing province; for the Roman Catholic Lord Baltimore, the planter of Maryland, and, though an untitled man, yet one not unfriendly to Courts and Royalty, the Quaker William Penn, the founder of Pennsylvania. Perhaps too, if I may venture to propose a descent from the abstract heights of "History" to the somewhat commonplace observation of everyday life, you will, on enquiry, learn that many of the largest properties in that Ireland which furnishes you with so many texts on the oppression and misdeeds of landowners, even though they are held by Peers and country gentlemen, are the best managed and the most free from poverty and reproach. But I need not pursue an argument which really has not two sides to it. Men will doubtless always differ as to the relative merits of Monarchies and

Republics, of aristocratic and democratic forms of government, and will judge wisely or foolishly, fairly or unfairly, according to their temper and sense of justice. But none except the most prejudiced will accept conclusions so sweeping and indiscriminate as those which you have made, or believe, in opposition alike to history and the evidence of their senses, that ancient classes and institutions, because they incur your reprobation, deserve to be overridden by the Democratic Hippo-

griff on which you have mounted.

"Many great changes have occurred in the generation in which you have been a prominent actor; many further changes may occur. But as yet the fabric of the ancient Constitution of Government, by which liberty was secured and the rights and powers of the different Estates balanced under the authority and control of the Sovereign, remains in its outward forms erect and unimpaired. We have no desire, except by fair argument, to interfere with the doctrines of those who seek to destroy this—the 'Levellers and Republicans' of our time, secret or avowed, but we do say that they who possess such opinions have no place in the Councils of a Monarchy. They occupy the citadel, but they are not the garrison; they are really enemies, to whom I will not here assign a harsher name.

"In conclusion, I will only add that in what I have now said I am not assailing the principle of Democracy or desiring to limit its fair and full scope. Rightly understood, it has its part in our form of government and the greatest thinkers and Statesmen have endeavoured to combine in harmonious proportions the everlasting principles of Monarchy,

Aristocracy, and Democracy.

"My object in this remonstrance is to protest against the public repudiation of two of these principles by one who, by the office which he has undertaken, is bound to be a faithful guardian of the Constitution in its integrity.

"I remain, Sir, your obedient servant,

"CARNARVON.

"The Right Hon. J. Bright, M.P."

The following is Mr. Bright's reply:-

" Rochdale, Dec. 25, 1880.

"Your letter of Dec. 7, which appeared in the London papers of yesterday morning, reached me last night. You comment on my speech of Nov. 16, and find in it terrible blemishes, which have not been discovered by its critics in this country. You condemn me for attacks on the Sovereign, the aristocracy, and the landowners. I have

defended the Monarchy. The defence is little needed in this country, and in this reign. I have warned the aristocracy of the danger I wished them to shun. As to landowners, I have been one of the most prominent of the supporters of a policy so necessary for the country, and so wise for them, that, had it been obstinately resisted, the great landowners of England and Scotland would long ago have been running for their lives as some Irish landowners are reported to be doing now. I will not reply at length to your letter; it is enough to acknowledge the receipt of it. I am content to leave my speech and your letter to the judgment of the public.—I am, yours respectfully,

"JOHN BRIGHT.

full recept. Lightly and redcod, it has did not in our filtared forcomments a

artacies on the flovereign, the tristocracy, and the tredenumen of phrees

"The Right Hon. the Earl of Carnarvon, Madeira."

# CRIME IN IRELAND.

## THE WINTER ASSIZES

IN

ULSTER, MUNSTER, LEINSTER,

AND

CONNAUGHT,

WITH AN APPENDIX,

COMPILED BY

PHILIP H. BAGENAL, B.A., Oxon.,

1880.

DUBLIN:
HODGES, FIGGIS & CO.,
104, GRAFTON-STREET.

DUBLIN:

J. ATKINSON AND CO., PRINTERS, 72, GRAFTON-STREET.

### TABLE OF CONTENTS.

MUNSTER ASSIZES.

CONNAUGHT ASSIZES.

LEINSTER ASSIZES.

ULSTER ASSIZES.

#### APPENDIX-

A.—The Correspondence between Mr. Boycott and Mr. Gladstone.

B.—The Cullohill Meeting.

C.—The Correspondence between Dr. Gibbings, T.C.D., and The Castle.

### MUNSTER WINTER ASSIZES.

THE Winter Assizes for the Province of Munster were opened on Tuesday, the 7th of December, at noon, by Mr. Justice Fitzgerald.

Mr. Justice Fitzgerald, addressing the Grand Jury, said:—

You are assembled here to-day, not as the Grand Jury of the City of Cork, but as the Grand Jury for the Munster Winter Assize County, embracing the Counties of Clare, Limerick, Kerry, and the two Ridings of Cork, as well as the Cities of Limerick and Cork—a very wide and important district, and possibly representing somewhat more than one-fourth of the whole country.

#### ORDINARY OFFENCES EXCLUDED.

Your duty will be onerous, and will require considerable care upon your part, because you have to enquire into offences alleged to have been committed within that large district which I have just described. In the observations I intend to make I shall confine myself entirely to events occurring within that district, and to matters of fact which appear before me upon reliable Official Documents, and I shall not exceed these bounds. In addition to that, in point of time, I wish to confine myself to the period of four months which has elapsed since the last Assizes. I shall also exclude from immediate consideration or-

dinary offences, such as sheep stealing, cattle stealing, robberies, aggravated assaults, larcenies, and ordinary offences of that character, which are to be found, more or less, in every community; and I shall confine my observations to offences of that character which strikes entirely at the peace and welfare of society at large, and if allowed to go on would work the total disorganization of the social system. Do not be alarmed by what I have said into the fear that your duties will be heavy. They will not be so, because one of the characteristics that I shall comment upon is that in nine-tenths at least of the cases of reported criminality there is nobody made amenable. That is one of the great blots upon the Administration of Criminal Justice in the country.

#### Some Organization Reduced Districts into Anarchy.

Now, the matters to which I shall have immediately to advert will be found to have arisen within a very short period previous to the present time; and you will recollect here, and I recollect, that throughout the whole country, save the Province of Connaught, at the last Assizes-that is the Summer Assizes, which we may say terminated about the first week of August last-the general tone of the observations of the Judges-they did not pretend to see beneath the surface—was that in the other three Provinces in the country there was a very small amount of crime indeed to be dealt with. Of course a Judge has no greater opportunity than you have of knowing what is passing, save that he is armed with reliable Official Reports of all crimes reported to have been committed during a certain period. I must say that at the last Summer Assizes, at the close of it, it was my duty to address the Jurors of a neighbouring district, and in all cases to point out the great absence of crime. I told them that I did not profess to know anything of what might be going on beneath the surface, and could only deal with the facts which came officially before me. But at the return from the Summer Vacation at the end of October last, we found all that changed. In place of the description that I have given you, we found that some Organization—I do not profess to say or to know what it was—but some Organization, acting on the cupidity, the passions, and the fears of the people, had reduced some districts in the country into anarchy and confusion—little, if at all, differing from Civil War. In addition to that, it was obvious to everyone that you had to deal with an armed population. The offences, or possible offences, which I shall have to describe to you were all committed by armed people. As far as I can judge from the Official Reports, in certain districts in the Province of Munster, which we are now dealing with, every farmer's boy, every farmer's son, and persons of that class, seem to be armed with a rifle and revolver, and they certainly have been used freely in the commission of the outrages which I shall have to advert to.

#### COUNTY CLARE.

SUMMARY OF EXTRAORDINARY OFFENCES—THREATENING LETTERS, THREE KINDS.

With these observations, I have now to ask your attention to a few cases I have extracted from the Reports supplied me. I will take, in the first instance, the County Clare, and I may repeat that I exclude all the ordinary offences, save in one instance, in which I shall give a direction, and which occurred in one of the Ridings of this County. With that exception, however, I do not take into consideration any of the ordinary offences, which are of the usual character, and regarding which you require no assistance from me. I find in the Co. Clare a resume of extraordinary offences. There are forty-three cases of letters threatening to kill or murder; three of firing into dwellinghouses at night, by parties disguised and armed; two of maining cattle; eight of arson and malicious burning; three of taking and keeping forcible possession. These are the offences which I call extraordinary, and which strike at the whole foundation of The general nature of the threat in a threatening letter is to murder. If a threatening letter is sent to a gentleman calling upon him to reduce his rents or abide by the consequences, it is manifest that, though the word kill or murder does

not occur in it, it is meant that if he does not obey that mandate he will be subjected to violence. The general course of these letters seems to me to have been—and it is still applicable to all the Counties—first, that the gentry of the country are threatened if they do not reduce their rents below a certain standard, or if they do not give up some ejectment process for obtaining rent. They are all in some way connected with the land, and the gentry are to do something, or not to do it, otherwise they are to be subjected to violence.

Again, tenants are threatened sometimes that they should not pay more than Griffith's Valuation. But even that position seems now to have been abandoned; they have gone beyond that, and sometimes they are now threatened if they pay rent at all. Again, the tenant farmers, or persons in their position, and the public at large, are threatened if they deal in any shape with farms from which a tenant has been dispossessed. Whether it be a case of a most notorious character, whether the man for years past paid no rent, whether it was one of recent occurrence or one of some years back, it seemed not to matter. The mandate has gone forth from some Secret Organization that you are not to deal with the farm from which the tenant has been dispossessed. In other cases Magistrates are threatened because of the part they took at Petty Sessions. In the County Clare the movement seems to have extended to house property in cities and towns, and I saw recently in the newspapers that a House League is to be or has been formed. In the County Clare, a person took a mortgage on a house, no matter when, and not being able to get his mortgage money, he instituted a suit in the Chairman's Court, and was consequently put in possession by a Decree of the Court. Afterwards, however, an armed and disguised party forced the caretaker out of possession, and put the mortgagor in again. But that case had nothing whatever to do with the relations between landlord and tenant.

I have here before me a full and complete report of the County Clare, and I will take at random one or two cases to

illustrate what I mean. I find in No. 27, firing into a dwelling-house. Three shots were fired into a dwelling-house, because the occupier had agreed to pay a rent beyond Griffith's Valuation. I come again to another case in reference to two gentlemen, owners of property, who had committed some offence against the laws of the Organization. A threatening letter was served upon their herd, threatening him with death—that, in fact, he would be murdered—if he remained in the employment of the gentlemen to whom I have referred. I do not mention names for obvious reasons. The mentioning of names in such cases and under such circumstances is sometimes attended with additional danger to the individuals. The two gentlemen themselves also received letters threatening to murder them.

#### THREATENING TENANTS.

I come now to another class of cases I have before me-in an instance where a letter was sent to a tenant threatening to murder him if he paid rent at all; not that he should pay no more than Griffith's Valuation, but that he should not pay rent at all; or, if he did, he should be murdered. Then in another case, numbered 59-I will not give you the name of this case either—a notice was found posted threatening the life of this gentleman, and warning every person not to speak to him. Well, for what? For his having taken a farm from which another person had been evicted, because the other person was not able to pay his rent. There was nothing about the amount of the rent; but simply because another person had been evicted from the farm which he had taken, the public at large in the neighbourhood are warned not to associate with him. Then, in another case, the agent of an estate was attending to receive his rents. He gave notice that he would attend in a particular place and on a particular day to collect the rent, and a notice is found posted in a conspicuous position in the vicinity of the place threatening any person who should attend to pay rent to the agent. It is not addressed to any individual, but to the public at large of the particular neighbourhood. In another case, of a Magistrate

whom I happen to know, of great respectability—one who, I am sure, would administer the law with strict impartiality—his life is threatened because of a decision of his at Petty Sessions. Another class of offence is represented by a case in which two armed persons entered the house of a process-server, and one of them threatened him for having served a process on his (the threatener's) mother. The process-server was guilty of the offence of serving the process of law, and for this he was threatened by an armed party.

#### TAKING FORCIBLE POSSESSION.

And now, Gentlemen, in concluding my reference to this County, I may mention that fifteen or sixteen are charged with having taken forcible possession, but I find that nobody has been made amenable. It appears that a person named Doherty had been a tenant, and, so far back as 1878, he surrendered the farm. Not having been able to pay the rent so far back as two years and a-half ago, he surrendered his farm. Upon the night in question, on the 4th of November last, he was put forcibly into possession of his house and farm again—a farm which he had surrendered, owing at the time a year and a-half's rent. He states he did not know any of the party; and, Gentlemen, a part of the system that is acted upon (and it is plain from the information before me) is this—that strangers, armed strangers from districts in the neighbourhood, unknown at least, very likely, to the individual-that armed parties are brought from some distance to reinstate the tenants in possession, and those parties are the carriers of terror into the district in which they so act.

#### COUNTY LIMERICK.

#### SUMMARY OF CRIME.

Now let me turn from Clare to Limerick. Limerick is a county with which I happen to have a good deal of acquaintance, and I must certainly say that when I left on my Autumn Vacation, I thought Limerick was in a peaceable and orderly a condition as any County I am acquainted with. There were sent

in the County Limerick fifty-eight threatening letters-all expressly or impliedly threatening to kill, if particular things were not done; there were sixteen cases of arson; nine of maiming cattle-that is, maining them in some savage and brutal way with a view to terrify the owners; nine for malicious injury to property; seven cases of taking forcible possession of farms or dwelling-houses at night with firearms; and there is in addition, the murder of young Mr. Wheeler, of which we all heard—that atrocious murder. That is one of the cases for which at present there is no person to be brought before you, and I judge that it is probable that no one will be, because I find in the newspapers-for it was published in the Gazette-a proclamation offering a large reward for such information as will lead to the conviction of the guilty party. All this has occured in Limerick within a period of some six weeks from the time when we were sitting here.

#### THREATENING NOTICES.

Referring to the threats, I shall just read in the case of Limerick and in Clare one or two instances. There is one threat of a very peculiar character, threatening a man, his wife, and his child, for something he had not done. Again, I come to another case. The person in question received the letter, stating that his life would be taken if he sold crops for a man who had evicted a tenant. Now, he had nothing to do with the eviction, but if he sold crops for a man who had evicted a tenant, his life was threatened. Then there follows a whole heap of threatening letters of a character similar to that which I have already called your attention to. I now come to a case of reinstating an evicted tenant. In this case the tenant gave up his farm some time ago, not being able to pay his rent. It was not a case of eviction; he voluntarily surrendered, not being able to pay his rent, about two years ago. It was a very small holding, and he got from his landlady £20 compensation to move elsewhere. He alleged that a party of armed men, disguisedand, remember, this at the end of two years-came and reinstated him in possession, and there he is in possession of the farm, now reinstated by this irresponsible Organization. Again, in another case, a person was evicted in October, 1878, and she states that at night a party of armed men came to her house, and took her and her children and servant with them, and put them in possession of a former farm in which they had lived, and brought beds and other furniture, lighted fires, and told them on no account to leave the place again.

#### MUTILATION OF CATTLE.

Now I will just call your attention to a crime of a different class—the killing and maiming of cattle. Really, when one reads this, one blushes for the country in which such offences, so brutal and so savage, could be committed. The broken prong of a fork was driven into portion of the body of a horse, which caused extreme torture, from the effects of which the poor brute died. The savagery of that is beyond description. Then, again, under the same head a bull was mutilated—you understand what that means. The animal died, and there is no clue to the offender. Then, again, a valuable horse was shot dead in a field, and there is no clue to the offender.

#### FIRING INTO DWELLING-HOUSES.

Then we come to a different class—I have just marked one of each—that of firing into dwelling-houses at night. Two shots were fired into one man's house at night. The name is given, and a notice was posted on the door, threatening him with murder for having paid his rent. The man's offence was that, having the ability to do so at the time, having a productive crop, he was guilty of the offence of paying his rent, and for that he is to be murdered. Then I come to another case in which the landlords are not likely to be killed or murdered. That is the case of the Governors of Erasmus Smith's Schools. You cannot get at them because they are a corporation. I find that notices are posted threatening any person who should pay rent on the school property. All question of a fair rent is gone

by—it is all past; this was threatening the people who would pay rent at all on the school estate, and, unfortunately, it occurs that on the school estate some of the most serious outrages have been perpetrated.

#### INTIMIDATION OF A TRADER.

There is a case of a person keeping a public-house or hotel in the County Limerick, who was threatened if she should receive a land agent into her hotel. The land agent had given notice that he would attend at the hotel on a certain day to receive rents, settle accounts, &c.; but the landlady is threatened if she lets him into her house. There is one case, Gentlemen, that one can scarcely think is real or serious. A notice was posted on a particular chapel gate threatening a man with death if he did not pay 1s. 6d. as a contribution towards paying for the sashes worn at a Land League meeting. The next case goes still further. From this report it appears that a man purchased the occupation of a farm from a tenant. It was a case between occupiers only. There was no landlord in the case. But the person purchasing received a letter threatening him if he took possession of a farm which he had paid for, and paid for to the former tenant.

#### COUNTY OF KERRY.

#### SUMMARY OF CRIME.

You may think, Gentlemen, that nothing could be worse than the state of affairs that has culminated in some parts of Limerick, as indicated by these facts, in that short time. But when we come to Kerry, it is worse again. In Kerry there were one hundred-and-one threatening letters—six threatening persons with death in terms, and ninety-five the interpretation of which is, to any reasonable mind—"If you don't comply with what is mentioned in the notice, death will be the consequence." There are also twenty-three cases of arson; four of maining cattle; malicious injuries without number; and six of attacking dwelling-houses. Such is the category of the extraordinary offences in

the County Kerry. I shall refer to one or two of them generally. They are of the same character as those which I have already referred to. There is one of taking arms at night. A gang of night marauders went to the houses of the farmers of the neighbourhood, and demanded that arms should be given to them. They were themselves armed, and they fired shots into the houses, and in several instances warned the tenants on no account to pay over Griffith's Valuation, and in some cases not to pay any rent at all. Subsequently, by the report which I have before me, the armed party broke into the house of a man named Donoghue, dragged him out of bed, assaulted him, kicked him, and, before they left, split his ear with a knife. I mention his name because the case will come before you, one person having been arrested who is alleged to be identified as having taken part in the occurrence.

#### INTIMIDATING LABOURERS AND SCHOOL-MASTERS.

I now turn to another case, showing that the system of terrorism is not confined to land alone. In the particular case before me, a party was threatened if he did not raise his workmen's wages. It thus runs through every relation of life. Again, in another instance, a man received a letter threatening his life if he did not give up his school, of which he had become the teacher against the wish of the parishioners. I should mention to you that the manager of a school nominates the teacher, and if he is properly certificated the Board of National Education approves of it. But in this case the parishioners wished for some one else, and the teacher receives a threatening notice to quit. Again, I come to a notice received by a gentleman of considerable estate, and one who bears the reputation of a good landlord, threatening his life if he did not reduce his rents 25 per cent. In Kerry the cases are so numerous that I could not detain you by going into them in anything like detail. I will, however, mention one case that goes beyond any of the others—one in which a Resident Magistrate and a Sub-Inspector of Police were threatened on account of steps they had taken to

bring rioters to justice—persons who had been guilty of riot at some land meeting. The Magistrate is threatened as well as the Officer of Police. Then, again, a man was met who was going to pay his rent. He had it with him, and was going to pay his rent, and his life was threatened if he did so. I need not tell you he did not. In the case of a gentleman who had given notice to his tenants to come in and pay their rent, his life is threatened if he does not withdraw his notice. This is the category of offences in Kerry; but the number of cases is so large and the character so varied, unfortunately—just as in the case of Limerick—that I cannot refer to them in more detail.

## COUNTY CORK (WEST RIDING). SUMMARY OF CRIME.

I will now come to something nearer home, and, I am sorry to say, the cases do not improve. I come to the West Riding of Cork, and in reference to it I have to call your attention to one case which, I believe, will come before you. I allude to the case of two persons named Healy and Walsh, who are alleged to have intimidated a man-or endeavoured to intimidate a man-to give up possession of a farm. I will presently refer to the circumstances of the case. We find that in the West Riding there is one bad case of murder. A man named Dowling was murdered on the 16th of September last. It was about as bad a case as ever I heard, because the intent was to murder a gentleman named Hutchins. The intention was to murder another. The intention of the Assassin was to assassinate Mr. Hutchins, but he assassinated the driver—a person young in years, and of very good character. The circumstances are very shocking, indeed. For five or six hours, on the day of the murder, the Assassin (may be a person brought from a distance) was known to be on the roadside, was seen disguised as a woman carrying something under a cloak he wore, with a hood drawn over his head. He was known to be waiting there, and I dare say few of those living in the neighbourhood did not suspect his purpose. But no warning note of any kind was

given. The Assassin was waiting for five or six hours, and at last Mr. Hutchins's car drove up, and the Assassin's blunder-buss was discharged, and killed the driver.

#### THREATENING LETTERS.

In addition to the case of murder, there are twenty-five cases in the West Riding of threatening letters. I may state that, with two exceptions, none of the writers have been made amenable to justice. There have been twenty other cases—fifteen of maiming cattle and other malicious injuries, and five of compelling parties to quit by violence. There is a case of forcibly resisting the Sheriff and his officers, and assaulting and beating the Sheriff. There are two specially bad cases of maiming cattle; but there are in all fifteen cases of the kind, and the observation generally made by the County Authorities as to the motive for these numerous offences is that they put them down—and I have no doubt correctly—as due to the present Rent Agitation.

#### THE CHARGE AGAINST HEALY AND WALSH.

The cases in the West Riding are of a similar character to those I have adverted to; and I fear if I were to go through them in detail, I should be taking up your time most unnecessarily. They do not vary in their general character from those I have already called your altention to, and I will pass them, excepting in the one case I have mentioned; and as I have to give you a direction in point of law upon that, this is the proper time to call your attention to it. The charge in that particular case is against two persons named Healy and Walsh; the Christian names are not given. The murder of Mr. Hutchins's driver took place on the 16th of October. On the 17th there was a Land League meeting in the immediate vicinity of where the murder took place. It had been previously convened for the purpose of establishing the Land League there. I have to call your attention to two speeches delivered upon that occasion, by the two persons who are charged with this offence, and to their action subsequently in reference to the party alleged to have been intimidated. The indictment in these cases will probably be presented to you under the Act of William IV. The second section of that Act says: "If any person or persons shall unlawfully compel, or by force, threats or menaces attempt to compel anyone to quit his, her, or their dwelling-house, habitation, farm, possession, place of paid service, or lawful employment," then such person shall be guilty of an offence against the Act of Parliament, and be liable to very serious punishment. I have given you the 16th as the day the murder was perpetrated. I adverted to that because in the speech attributed to Mr. Healy on the following day it is adverted to. His Lordship then read, from a shorthand-writer's notes, a portion of Mr. Healy's speech. Alluding to Mr. Healy's allegation that on the property of Mr. Hutchins there were instances of greater injustice and rack-renting than upon the estate of the greatest tyrant in Ireland, his Lordship said- That is very strange language to use in reference to a man who was then under the necessity of having a strong guard of police to protect his life. He is held up there as one of the greatest tyrants that existed in the country. [His Lordship then read further from Mr. Healy's speech, in which he intimated that he would pay a visit to Manning if he did not give up M'Grath's farm. His Lordship then proceeded to read the information of Cornelius Manning with regard to the visit paid him the day after the meeting of Messrs. Healy and Walsh, and went on to say-If the evidence turns out to be of the character represented, the two speeches at the meeting are directly connected with the visit of the following day; and if any language such as described by the witness was used to Cornelius Manning, such as he represents it, I should say that there is sufficient evidence before you to warrant you in finding a bill against Healy and Walsh under the Statute. Any person making use of threat or warning, menace to compel or induce another, commits an offence. It is not necessary at all, though it may be an element of consideration-and there is an erroneous impression prevailing upon the

subject—it does not matter whether or not the party has been actually intimidated or induced to give up his farm. The offence is completed the moment the attempt is made by intimidation to induce Manning to leave his farm; and if Healy and Walsh made speeches threatening to pay a visit to him, and did pay that visit, and paid a second visit to see why he did not give it up, and used the language represented, there will be evidence proper for you to deal with, and upon which, if in your wisdom you think fit, you can find true bills, and send the case to be investigated before the proper tribunal.

#### COUNTY CORK (EAST RIDING).

SUMMARY OF CRIME.

I now turn to the East Riding of the County Cork, and I expected to find it somewhat better. There are, however, fiftyone threatening letters; twenty-two cases of arson, all with a view of intimidating; three cases of maining cattle; seven cases of forcible possession; a number of assaults on bailiffs, and several other charges, one or two of which I should like to advert to. I shall not pause to go in detail through them; they are pretty generally of the same character. I just wish to refer to one of them, a threatening letter addressed to the steward of Lord Shannon. A notice was published and sent to him warning any person not to deal with him in any way, or have any communication with him, because he was a spy on the Land League. Gentlemen, I do not mean to say at all for one moment that those parties who commit such offences are put in motion by the Land League. It is not for me to express any opinion whatever upon that subject; but the misfortune of the case is, or one of the incidents of all those cases is, that the emissaries or people who commit these offences represent that they come on behalf of the Land League, just as is the case with this notice that I last referred to. The mandate is that nobody is to look at Lord Shandon's steward, because they regarded him as a spy on the Land League.

#### CITY OF CORK.

#### FIRING ON THE POLICE.

Now, Gentlemen, I turn to the City of Cork. The City of Limerick appears to be in a peaceable and orderly state, and Cork City usually is; but unfortunately there is one case on account of which I cannot compliment you, Gentlemen, upon the state of the City of Cork. There is a very serious case to come before you, in which a number of processionists, meeting a body of four policemen who did not interfere with them, managed to assail the policemen. Several shots were fired from revolvers at the policemen. I think the police showed great forbearance on the occasion. They simply took the names of the parties, and did not use their weapons, as they might be justified in doing upon such an occasion. A number of young men were at the time in a procession known as——. What is that they call it?

Mr. Gregg-The Manchester Martyrs.

HIS LORDSHIP—The Manchester Martyrs' procession, and the policemen will tell you that several shots from revolvers were fired at them. Gentlemen, this only justifies the observation that I have made—that everybody appears at present to be armed with a rifle, or, that still more objectionable weapon, a revolver.

#### CONCLUDING REMARKS.

Now, Gentlemen, in going through these details, I fear I have occupied too much of your time, and that I have been too minute in giving you a description of these painful details, which almost deprive us of hope for our country. I have confined my observations to the matters which have been brought officially before me. I do not wish to be guilty of exaggeration, or to create excitement or alarm. I desire now to express myself in the calm and measured language that best becomes one to whom the administration of justice is committed; and I should fall short of my duty if I did not point out to you how in several districts, embracing a large portion of Munster, true

liberty has ceased to exist, and intolerable tyranny prevails. Life is not secure, right is disregarded, the process of the law cannot be enforced, and dishonesty and lawlessness disgrace the land. It is said in excuse or palliation that this flood of anarchy or crime has been produced by bad existing laws. It is not for us here to consider whether our laws require amendment, or our institutions are open to improvement. These are matters for the Legislature; but no candid mind can doubt the disposition of the Imperial Parliament or its anxiety to consider and redress all real grievances. And I add for myself, and for you, and for all well-thinking people, that we are prepared to make all sacrifices, if doing so can procure the restoration of peace and prosperity to this distracted country. The primary functions of the Government are to protect life and property, and to repress crime; and it is to aid in accomplishing these objects that we are assembled here. Our duty is to administer the law as it exists, and, if we can, to eliminate crime from the land. With these objects in view, I offer you my best aid, and I expect from you firm and courageous assistance.

Gentlemen, I consider it fortunate that at the present crisis you should have been selected as the Grand Inquest of Munster and that the Panel of Jurors should be taken from the Jurors' Book of the City; because I know well, from long experience, your intelligent and resolute independence. I know that you will dispose of all the cases to come before you with the utmost fairness and impartiality; and I have no doubt that if any feeling can divert your minds from the strict line of duty, it will be a noble leaning towards the accused.

#### MUNSTER WINTER ASSIZES.

#### FIRST DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1 1	Perjury. Manslaughter.	1	Firing at a Bailiff (see Note).
1	Concealment of Birth.		
1	Cattle Stealing.		

Note.—This was the notorious Pallas Green case, which arose on an eviction of a tenant who owed 3½ years' rent. When the work was executed six caretakers were put in possession of the house, one of whom was M'Kenna, bailiff to Mr. Saunders, a land agent.

The following is part of his evidence:-

On the 18th of November last, while employed at New Pallas by Mr. Saunders, with five others, in caring a house from which Timothy Burke had been evicted, I started, accompanied by Nolan, in the evening to go to New Pallas Railway Station to meet one of my companions who was returning from Limerick by train; it was a beautiful moonlight night, and freezing; at the corner of a cross-road my companion went to the ditch, and I was waiting for him on the road, at one side of which was a wall about five feet high; there was a rise in the land behind this wall; while I was standing there I was fired at; I saw the person who fired at me, and it was the prisoner, who I saw once before at Burke's house; I knew his appearance quite well; I received one wound in the body and eight on my forehead; I was facing the man who fired the shot; he was standing on the inside of the wall, and I saw him from the chest upwards; he was about five yards from me when he fired; I was armed myself with a five-chambered revolver, and I fired three shots at the man who fired; after he fired he changed his position by stepping backwards, turning to the left, and then ran away in the direction of Mr. DeBurgh's; it was while he was running that I fired; when I fired at first, before he had time to step back, the moon was shining on the man's face; I have not the slightest doubt that the prisoner is the man; I next saw him, after the firing, in the police barracks, where he was with nine other men the next day, and I picked him out immediately; when fired, to the best of my opinion, he was bareheaded.

#### JUDGE FITZGERALD THREATENED.

At the Cork Assizes to-day (Friday) a man named Coffey was placed on his trial upon a charge of having fired at a bailiff named Hanlon, who, with a number of other bailiffs, was engaged in care of a farm-house near New Pallas, from which a tenant named Burke had been evicted. The shot was fired at night from inside a wall on the road leading from New Pallas guarded house, and Hanlon was struck in the face, several of the pellets entering the flesh. Hanlon identified the prisoner as the assailant, but for the defence Hanlon's ability to identify a man inside a high wall and at night was questioned. The Jury acquitted the prisoner.

Mr. Justice Fitzgerald said, before the Jury separated and the Court adjourned, he wished to advert to an occurrence that had taken place that morning, and which he had treated with the contempt it deserved. He received that morning a letter bearing the Limerick postmark, but for the ends of justice, and lest it should militate against the prisoner on his trial, he did not wish to draw attention to the letter until the case had con-

cluded. The letter was as follows :-

"Irishtown, Limerick.

"To Judge Fitzgerald, Cork.

"Look here my boy, by J—— C——, if you do not charge the Jury in a certain Limerick case fairly and impartially, your life is not worth a thraneen, for you may be shot dead in Court.

"A PALLAS BOY."

There were some other expressions which he would not pollute his lips by uttering. He had treated the letter with the contempt it deserved. Such threats would not have the slightest effect with him, but more timid people might be deterred from performing their duty. It was a gross crime, punishable by the law, and it was also a gross contempt of Court. He did not mean to suggest that anyone connected with the prisoner had been implicated in this matter, but he regretted that, having been now twenty-one years on the Bench, it should be thought necessary to remind him to charge fairly and impartially. His Lordship was much affected.

His Lordship handed the letter to the reporters. It was evidently written by an educated person, but in a disguised hand. There were some words in French written at the top, but they were partially obliterated. In the second page were the words, "Ireland a nation; to h—— with Miss Victoria; La Reine, Parnell for ever, notre Roi." The letter also contained a rude sketch of a man with a pistol, and the words, "Shot by——."

#### SECOND DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1.	Larceny.	1.	Riot, and Assaulting a Bailiff. (See Note.)

The facts of the case are as follow: -An ejectment decree had been obtained at the suit of Mr. Hussey against a man named John Kelly, one of the prisoners. It became necessary to execute that decree, and accordingly Mr. Hussey, the sub-sheriff. and two or three bailiffs, and several sub-constables went for that purpose to Mr. Kelly's house. As they approached the house Kelly went some distance off, and then returned. Mr. Hussey endeavoured to show him that the wiser course for him would be to submit to the inevitable, and give up possession. Kelly, however, refused, and while the parties were still arguing on the matter a crowd of persons, numbering 200 or 300, assembled from all parts. They were all armed, some with scythes and pikes, others with sticks and stones. An onslaught was then made upon the sub-sheriff and his party, who were struck and beaten, the principle victim being O'Brien, the bailiff, who received severe injuries, being cut on the head, knocked down, and kicked while lying on the ground. So serious were his injuries that he was compelled to remain in the infirmary from the 11th of May till the 3rd June. Ultimately the eviction was accomplished.

#### THIRD DAY.

ES. ACQUITTALS.	CHARGES.
nter. 1	Poisoning.
Reinstat- Evicted	
ŀ	hter. 1 Reinstat- Evicted a.t. (See

Note—The facts of this case are thus:—Nyhane, the prisoner at the bar, had been a tenant of Major Gash, and the rent was nominally £66 8s. a year. He was unable to pay his rent for two years, and was evicted. He was, however, reinstated as caretaker, and he remained there for four weeks, when an agreement was entered into between him and the landlord by which the two years' rent, amounting to £132, was forgiven, and another year's rent, £66 8s., was paid to the tenant in cash, together with some allowances. With that settlement the prisoner professed himself perfectly satisfied. Hurley was then put in as a dairy farmer, and he held possession peaceably and quietly up to November.

Evidence was then given in support of the case for the prosecution.

James Hurley deposed that in the month of November last he was living at Nyhane's house, and had been there since the previous May, when he got the land for the dairy; he remembered Denis Nyhane giving up his farm on the 8th of April; witness then took the place as a dairyman from Major Gash, and entered possession on the 1st of May to hold till the 1st January; on the night of the 17th November, about half-past nine o'clock, while he was in bed with a little boy named Healy, who lived with him, he heard a great noise coming towards the house as of the footsteps of many people; after there had been some hard knocking at his house, he called out, "Stop! don't break the door;" and a voice answered, "Get up quick and get out of the house quietly;" the little boy got up and put on his trousers, and, carrying the rest of his clothes under his arm, he ran down stairs; he didn't know where the boy went to; when witness came down he found the door open; it had been bolted from the inside when witness went to bed; he saw a man standing at the door with a black cloak about him, and his face was blackened; that man, whom he didn't know, said to him, "Get out of the house quickly or I will take your life," and witness saw that he had in his hand something like a gun; witness then went out, and heard the footsteps of persons as if running away; on going round the house the first person he met near the haggard was the prisoner; the man in the cloak had just before called out for Nyhane; witness asked him where he was going to, and he said "Into the house;" witness said it would be better for him not to go into the house, but Nyhane said he should—that he was ordered to do so by the Land League; witness met a man and a boy afterwards, and the man, who was in disguise, said, "You have sent for the police;" witness made no answer; they then left the yard, and witness followed them to see what direction they would take, and they went in the direction of a bog to the south-west; witness then returned to the house, and found the door fastened inside; on looking through the window he saw Nyhane inside, with a light in his hand, as if he was looking for something; witness then went towards his mother's house, and had not gone far when he met his two brothers and sisters coming towards him, and he came back with them to the house; witness's sister Mary, looking through the window, asked Nyhane to let her in to look after the dairy, &c., inside, but he refused, saying that everything inside belonged to himself, and that he would take the life of anyone that went in; witness's sister then put her hand on the lower sash of the window, and was getting it out when Nyhane thrust out a pitchfork and stabbed Ellen, witness's other sister, who was standing near Mary; one of the prongs slightly pierced her chest; Nyhane also made a stab at witness's brother,

Michael, who was also trying to get in; they then went away, their efforts to effect any entry by the window having proved fruitless; afterwards, however, they got in through a window over the kitchen door, and went downstairs; Nyhane was still standing opposite the front window with the fork in his hand; when he saw them, Nyhane said, "You may kill me now," but witness replied that they would not do anything to him; witness said, however, that he would send for the police for him, and leave him to the law; they then kept him there until the police came, and he was arrested.

#### FOURTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Stabbing. Wounding with Intent.	1	Threatening Letter Taking Forcible Possession.

Note.—The facts of the case of taking forcible possession are remarkable. The prisoners had formed part of a riotous assembly, and had taken possession of the land and a house of a man named O'Mahony, from which the prisoners had been ejected. The farm in reference to which the present case arose had formerly been in the possession of Robert Caverly, and it was purchased at a sheriff's sale by James O'Mahony on the 23rd of May, 1879; but possession was not taken till the 8th of September, 1879. The farms of O'Mahony and Caverly were contiguous, the house of the former being quite close to that of Caverly. On the night of the 9th of November O'Mahony, who still occupied his own house, was roused out of his bed by hearing the firing of guns, shouting, and the footsteps of men around the house which he had purchased on the other farm. He got up at once and loaded his gun, went to the window, and attempted to fire, but the gun missed. He could not see who the men around the house were; but amongst the voices he heard was that of Robert Caverly, who called out, "Fire away, boys! fire away." O'Mahony then heard the breaking in of the door, and at daybreak the next morning he found Caverly and his family in possession of the house from which they had been sold out. There was one remarkable circumstance in this case. Papers were found by the police in the pocket of the elder prisoner, one of which was as follows: - "We, the manhood of the parish, have reinstated Robert Caverly in the house of his ancestors, from which he had been cruelly and heartlessly dispossessed, and we warn you, O'Mahony, not to

interfere with him from this night forward under penalty of The other document, addressed to Caverly, was as follows:—"Dear Sir,—In reply to your letter of November, 1, I regret to say that the Land League can do nothing for you. As far as I can ascertain, possession was not demanded by James O'Mahony. Though the Land League has no power to assist anyone not dispossessed by his landlord, still when you come here we can see whether we can do anything for you in another way, which will be explained to you on your arrival here.— I am, yours faithfully, RICHARD HODNET." Counsel said he did not wish to use strong language, but the Crown would now appeal to the "manhood" of the jury—he used the word in another sense—on behalf of the law of the land. There were now-a-days two kinds of law-the law of the "Land" and the law of the "League;" but there was a manhood, the exercise of which would enable them to do their duty fearlessly, and there was a spurious manhood, which was sketched out in the documents he had read, which enabled fellows armed, with blackened faces, and fellows disguised, to carry out an irresponsible tyranny, to oppress, persecute, and often to injure the small farmers of the country.

#### FIFTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
		1	Murder by a Luna- tic.
		1	Breaking into a Dwelling - house. (See Note.)

Note.—This was the well-known Aghabeg outrage. Mr. De Moleyns, Q.C., stated the case. The prisoner was charged with being one of the large party of men who, armed and disguised, broke into and entered, on the 1st September, the house of Michael Donohoe, and assaulted the persons in the house. On the night of the 1st September Michael was in bed in his house in Aghabeg, and in the same house at the time were his father and mother, two sisters and two brothers. Between twelve and one o'clock he heard the usual commencement of these affairs—barkings of dogs, the shoutings of men, and the parleying of men. One man knocked loudly at the door, and Michael got up and asked who the party were. A voice answered, "The police." He then lit a candle, and, on going to the window, saw seven or eight men all disguised with white cloths over their heads and women's cloaks over them—the

usual diguise from time immemorial of what were known as the "Whiteboys." He then refused admission to them, and immediately the door was forced open by two large stones. Upon this four men, disguised and armed, as he had stated, rushed into the house, deposited their guns upon a box near the door, and immediately seized upon Michael Donohoe. They dragged him along the floor, kicked him, and dragged him outside the door. Before, however, they succeeded in getting him outside, a voice was heard from the outer part exclaiming, "Have not you him dead yet? Shove him out to us." Another voice was heard saying, "Cut his throat." He was eventually dragged outside, and there again kicked on the neck and eye. His neck was got between the legs of a man and twisted there, and finally, when four of the party were on the top of him, one of their hands being over his mouth, they slit his ear with a knife. Having effected their purpose, they were about to leave, when accidentally the white cloth over one of their heads fell partially off, and he recognised at once the prisoner, whom he had known from boyhood. While this was going on another party went to the bedroom where his sister Bridget and another sister were sleeping, and dragged Bridget out of bed, placed her against the dresser, seized her by the throat, and placed a hand over her mouth to prevent her screaming, only finally leaving to help to drag Michael out of the door. Another brother, John, took refuge under the bed. As the outrages were proceeding, some of the women and one of the men from time to time made their escape through an opening in the gable, and sought refuge in the houses of two people named Kennedy and Murphy. Now, the first question they had to ask themselves was, what motive was there for the outrage? There was no question in it of landlord or tenant. There was no taking of land by these persons from any other person. There was none of those crimes which constituted the impeachment of the Land League. These men had resided on their small farms for four or five years, and the only possible motive that could be suggested—not as an excuse nor palliation for the outrage, but the only assignable reason—was that one of those men, Michael Donohoe, had taken some part in and made an affidavit in a case of litigation which appeared to have been a subject of interest in this small locality. Now, in the jury he (counsel) was addressing he saw before him one of the features which were the peculiar boast of a free and civilised country—he was addressing a jury. But, whilst he recognised that as one of the elements of a free and civilised country, he could not but ask himself and appeal to them, did they indeed live in a civilised country? Could a country be civilised in which not alone two or three sparse outrages of this character were committed, but in which, from day to day and from hour to hour, they heard of nothing but similar scenes? Could a country be civilised where such outrages and intolerable tyranny over these unfortunate countrymen seemed to prevail? It was all very well for them, living, as they believed, securely and in a protected sphere. But they should place themselves in the position of these unfortunate Donohoes, and consider the outrages to which they had been subjected. If they had any sympathy with their fellow-countrypeople, what conclusion would they come to if they wished to secure the liberties and freedom of those amongst whom they lived?

#### SIXTH DAY.

CONVICTIONS.

CRIMES.

ACQUITTALS.

1

Attempting by threats to compel a Farmer to quit his holding (this was the case against Messrs. Healy and Walsh).

Tensible rejects

Forcibly reinstating a Tenant. (See Note).

Note-The facts were thus stated :-

On the night in question the prisoners were members of a party that assembled and forcibly entered the habitation of Thomas Boyle Talbot, at Cullinabeg, in the County Kerry. The prisoner, James Murphy, had been a tenant of the lands, but was evicted in June last, and a new lease was granted to Talbot, who had been accepted as a tenant, and had been given possession. Talbot put into the house as caretakers his son and three men, named James Blennerhasset, Jeremiah Sullivan. Michael Sullivan. They remained as caretakers until the night of Wednesday, the 13th of October, or early on the morning of the 14th. The four men were awakened by the noise of a sledge hammer being used to break in the kitchen door, and a gun was fired through the door. The men came down and found there was a crowd outside, and then they returned upstairs. The mob eventually broke in the kitchen door. Jeremiah Sullivan made his escape through the skylight, and a parley ensued with the remaining three, who were asked what they were doing in the They replied that they were "caring" it. The crowd insisted on them coming down, and when Blennerhasset went downstairs he received a blow on the nose with a fist, and several on the head with a gun. The party, which consisted of about

twenty men and some women, were disguised. An oath was administered to each of the three caretakers on a book—after they had each been beaten with guns and sticks and stripped stark naked and made go on their knees—that they would not come into the farm again. After having been sworn the three men were obliged to walk a quarter of a mile to another house of Mr. Talbot's without a stitch of clothes on them. A search was then made for the fourth man, but proved fruitless. Portions of the clothes of the three men were burnt, and also a rick of hay and a cock of hay. About twelve of the men were armed, and five shots were fired. This occurred about two o'clock in the morning.

#### SEVENTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Larceny.	1	Attack upon a
1	Deserting a Child.		Landlord. (See
1	Taking Forcible		Note).

Note-Two brothers were indicted for riot and attacking

Major Warren near Midleton.

Major R. L. Warren was examined, and having deposed as to his relations with Troy, and to the amount of rent due, said that when he refused to pay the costs witness said the sale must go on, and that he (witness) would buy the crops himself at the lowest possible price, probably at a shilling an acre, after which he would hand them over to Troy to cut and save, and pay him his rent. The prisoner, in a very loud and bullying tone, said those were no terms to give the man, and asked what he was going to do about the costs. Witness said they should pay the costs. A crowd had in the meantime collected, and there was a good deal of excitement. Michael Reardon said-"Now that we have got you here we will not let you go away unless we get our terms, and Troy shall never pay the costs. The crowd closed on him and used strong language, and he with difficulty got to his car. There were a number of men with sticks, flourishing them at him over and about his head. A poor-law guardian named Reardon interfered for his protection. The prisoner, John Reardon, endeavoured to rush at witness, but was prevented by Michael Reardon. The crowd cried, "drag him down; he's well known here; we will never let him go alive." Other threatening expressions were used towards him. John Reardon made another effort to get at witness, and said, "I'll make an example of you." Believing his life to be in great danger, he

(witness) attempted to draw his revolver from his breast pocket, but the crowd took the revolver from him. John Reardon then seized him by the cheek and whiskers and one of the legs, and tried to drag him off the car, and while witness was so held he received a blow of a stone on the side of his head which stunned him for a moment. Michael Reardon jumped on the car and said, "will you now state your terms." Witness replied that he could not alter them. Michael Reardon then compelled him by threats to accept his terms, and, having done so, led off a cheer. Witness asked for his revolver, but they told him they would keep it as security that he would keep his promise.

#### EIGHTH DAY.

CONVICTIONS. ORIMES. ACQUITTALS. CHARGES.

— 1 Taking Forcible
Possession.
(see Note).

Note.—This was the case of the Moybella Outrage. Horgan was the first witness examined for the Crown. deposed-I have two brothers named Edmond and Michael Horgan. I know the farm at Moybella which MacNamara held, and so I ought. My brother Michael was owner with Mr. O'Connor Horgan. MacNamara was put out of possession on the 22nd of June. I went into the house with my brother Edmond, who was put in as a tenant by the owner (Michael). I am married, and my wife and two children were in the house Edmond Horgan was at the time suffering from inflammation of the eyes. The MacNamaras built a shanty outside the gate of the house, but used to sleep over at Nolan's house, which is about 200 yards distant. At about one o'clock in the morning on the 27th of June I heard noise outside the house as of a body of men tramping in from the gate towards the house. They screeched out, "Now, if the blind Horgans be inside, this is their time." I had a gun in the house, and when I heard the cry I went up into a room upstairs for it. My brother got up also, and we came down to the door. He was undressed, and had a pike in his hand. The parties outside were "sledging" in the door, and when part of it was broken I fired out at them. Some of them then said they could not break it in until it was daylight, but others said they could, and then they renewed the attack. A shot was fired in through the door. I went up into the room for some ammunition, but I could not load the gun as I had no light. Then I got a pike and went

downstairs. A second shot was fired in through the kitchen window, and the flash went close by my face. The man who fired said-"Oh, ye -- 's sons, if ye don't give up I'll give ye powder and shot enough." Stones were then flung in. I went down to the door, which they had by this time burst in, and when I saw that it had been forced in I ran up to the room where the gun was. I heard them strike my brother Edmond. I crept down in the darkness to the door. I saw three bodies of men outside, and I made a run; but just as I got out a man named Roger Finnerty struck me across the "poll." I knew that man for many years. He was not disguised in any way, and it was a fine bright night. When I was struck two men ran at me; one had a blackened face and the other had a paper drawn over his face. Patrick and John MacMamara struck me with forks and cut me. Patrick O'Grady struck me also with a "slasher"—that is a thing for cutting hedges. gave me a deep cut. O'Grady lived in the neighbourhood, and was not disguised in any way, and I easily recognised him. The blow knocked me down. The two men with blackened faces then raised me on my knees, and Patrick MacNamara then gave me a kick in the side. They all wanted to strike me, but a man who had a gun came up and ordered them not to strike me or he would shoot them. That man was Paddy Lyons, and he is the only man I thank for my life. The men told me to look to the East. They then got a rope [produced] and tied my hands behind my back. They walked me over to the eastern end of the house. I saw my brother some yards from me; he was quite naked. I was made kneel down and he was made kneel down alongside me. They tried to tie him with the rope tying my hands, but it was found to be too short. Some of them cried, "This is too short; we must get more handcuffs." He was not tied at all. The man with the gun stood beside me. I was ordered to look to the east, and not the west, or I would be shot. All the crowd were to the westward. While on my knees O'Grady made an attempt to strike me with a slasher. A man came out before me with a paper in his hand. He told me to look up to my God and to swear that I would never come back to MacNamara's house. I was told I would be shot if I did not take the oath, and I did take it. After I was sworn my brother was sworn in the same way. Foley was the man who made us take the oath, and he saved us from several blows. I know him for several years since he came from America, and he was a quiet, honest man. When we were sworn he put the barrel of the gun between us and fired off. Moybella is about three miles from Ballybunion, and six from Listowel. I and my brother after the shot was fired were marched out on the road. I then saw Michael Nolan

and his wife and Mrs. MacNamara. Nolan welcomed the men, and they asked him, "Do you know us?" He said he did not. They said—"We are Tipperary boys," and the others said they were "Ballyduff boys." "Ah! boys," said Nolan, "If you don't cover their heads they'll ruin ye." A bolster cover and quilt were then thrown over my head, but I saw the body of men going into Nolan's house with Nolan at the head of them. I then heard the men trying to get my wife to swear an oath. My wife and my brother and myself were marched along the road, and we were placed up beside telegraph poles. The man in charge of us had a gun, and he said he would shoot us if we did not look towards the wall. We were bleeding and wounded, and my brother was naked, only some clothes were thrown over him.

#### NINTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Forgery.	1	Assaulting Care-
1	Taking Forcible	1	takers.
	Possession.		Threatening No-
			tices. (See Note).

Note.—The following facts appeared in evidence:—

Mr. DE Moleyns, in stating the case, said it was scarcely necessary for him to comment again on the amount of evil caused by these productions. The section of the Act under which the prosecution was brought ran as follows: - "If any person or persons shall knowingly write, post, or deliver any notice, letter, or message, threatening any injury or damage upon any condidition or in any event, to the property, real or personal, of any person, to do or not to do any act," and soforth. On the 11th September a threatening notice was posted on the chapel wall at Eyries, in this county. It was as follows:—"Take notice of what I told ye on last Sunday—pay no rent, or if ye do ye will rue it; for I repeat again it is easier to burn hayricks and corn stooks than to pay heavy rent; and I also repeat that there is more help at hand than ye are aware. Erin-go-Bragh." Next to this was a small printed extract from a newspaper, which was very curious, and also very instructive. It read—"Mr. Killen, B.L., in reference to a case in which a policeman had torn down a Land League placard, had got the advice of an eminent Queen's Counsel that the action of the police was illegal. was now decided to prosecute any policeman who did in future tear down any such placard." The notice he had read referred to one which was posted on the Sunday previous, and which was

as follows: -- "People of Berehaven, we have instructions from certain quarters in Dublin to advise you to stop paying rents. We have a solemn promise from certain parties in Bantry, Cork, Kenmare, &c., that they will support your interests by every means in their power in any trouble that turns up. If you keep your rent yourselves, what can you do? Why, you can keep your land until you are ejected much longer than you expect. What then? Give him all the trouble you can to eject you. What then? Supposing he does eject you, there are many ways of getting back your land. If you thought more you would have In these cases it appears that courage came after much deliberation. The notice went on—"Will any man come near your land? We say no wise man will come, and a fool won't succeed. Understand if you are in trouble, and if you want friends, they will be nearer than you may suppose, and they may number more than you think. It is easier to burn hay ricks and corn stacks than to pay heavy rents. warning. God save Ireland. There is help North, South, East and West.—Castletownbere, Sept. 11." There was a warning given there, and it appeared in point of fact that there were several of those malicious burnings in the locality just about that period. He (counsel) must say that evil counsels were generally more fruitful than wise ones. They would now prove the fact that the notices were posted and trace them, as they alleged, to the prisoner in the dock.

#### TENTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
	Forcibly Retaining a Dwelling- house.	1	Shooting at the Police.
1	Forcibly Reinstat- ing a Tenant.	1	Forcibly Entering and Retaining a
1	Forcibly Entering		Dwelling-house.
	on Land.	1	Forcibly Entering on Land.
		1	Posting Threaten- ing Notices. (See Note.)

Note.—The facts deposed to were as follow:—The prisoner was, as they had heard, charged with having, on Sunday morning, the 12th December, posted on the piers of the chapel rails at Tulla, County Clare, a threatening notice. Some time before that it would appear that threatening notices had been scattered broadcast over the country, and on the very day before

the day in question a threatening notice had been posted upon the piers adjoining the rails of the chapel. That notice had, of course, been taken down by the police, and the fact of its being so posted suggested to them, not unnaturally, the idea that there might be a repetition of this practice, and more particularly upon a Sunday, which in that locality would insure more publicity. Accordingly, they most properly determined to repair thither, and to remain in ambush in order to see if any person would be found posting up such notices again. They left the barrack about half-past six o'clock on this Sunday morning, and immediately opposite the spot where the notice was posted there was a house which had been occupied by the police up to two or three days before, and there was a door leading into the yard, behind which they placed themselves. This place was directly opposite the pier, at a distance of only thirteen paces. For about twenty minutes after the police posted themselves behind the door nothing occurred, and no one passed by in any direction. They had previously gone to the piers and found no notices posted on them. After remaining behind the door for about twenty minutes, during which no person passed, footsteps were heard coming from the direction of what was called the Cross, towards the chapel. The footsteps continued in that direction, and one of the police peeped out from behind the door and saw a man approaching. When the man came to the pier he stopped, and, after remaining there a short time, the police heard the footsteps returning back again in the same direction. The police then rushed out; one of them ran to the pier, and saw a notice posted up, and the other constable ran in pursuit of the man who left the pier, and caught him at the Cross, never having lost sight of him from the moment he posted the notice. The other constable immediately came up with the notice, and on the prisoner's hands being examined it was found that something was on them like the wet paste used in posting up the notice. If those facts were proved, as he believed they would be, it was impossible to introduce any doubt into the case, or to prevent them finding a verdict of "guilty" against the prisoner. It only remained for him to say that, a short time before this occurrence, a magisterial meeting had been held at Ennis, in Clare, and it was reported that certain magistrates assembled there and voted, as they were perfectly entitled to do, in a particular way. Amongst the magistrates who were said to have attended that meeting were Captain Charles George O'Callaghan, Mr. Edmund Burke Brown, and Mr. Daniel O'Connell, of Kilgorey. They were all landed proprietors in the Tulla district, and magistrates. The threatening notice was as follows: - "Captain O'Callaghan, Burke Brown, and O'Connell, traitors to Ireland, voted for coercion. Before long their

fate will be that of Lord Mountmorres. Tulla men, do your duty. Now or never put an end to those vile and villainous wretches." Those three gentlemen were found guilty of attending a meeting of magistrates and voting in a particular way, and for that they were condemned to the penalty of death.

After an interval of an hour the jury were sent for, and the foreman intimated that there was a substantial difference of opinion between them, and it was impossible for them to agree.

His Lordship—Is there any matter regarding which I can

give you any help?

The Foreman—There is not, my Lord.

His Lordship—Then, withdraw to your room again, gentlemen, and I will send for you. (To Mr. De Moleyns)—What course do you propose that I should take now? I can lock up the jury, or, if they tell me they cannot agree, I can dischare them, and re-try the case.

Mr. Atkinson, Q.C.—Oh! re-try the case!—there is no use

in that.

Mr. De Moleyns, Q.C.—It is a very difficult state of things. I must say, with every respect to the conscientious, and even exaggerated, scruples of the juries, it appears to me that the law is going into abeyance, and that its functions are being superseded. In reference to this very case—and I think your Lordship shares the same opinion—there can be hardly a doubt in a case of that nature.

His Lordship—I shall leave the jury in for some time, and, if they cannot or will not agree, it would be, in my judgment, with the present panel of the City of Cork, a solemn mockery to try the case again. There is a power outside which

is preventing jurymen doing their duty.

#### LAST DAY.

On the conclusion of the business of the Munster winter assizes, the grand jury were assembled by Mr. Justice Fitzgerald's directions. The Judge then addressed them as follows:—

Mr. Hall and gentlemen of the grand jury, I believe we have not quite exhausted ourselves, but as I cannot remain beyond to-day, I will not allow any other bill to go before you; and now, at the close of your duties, I have very much, indeed, to acknowledge the firmness, the courage, the discretion, and the fairness with which you, Mr. Hall and the grand jury of the city of Cork for the Munster winter assizes, performed your very onerous duties. I acknowledge it on the part of the public, and it is right I should do so. I must say that the course you have taken

gives me still some hope of the country. I must say, however, that I am afraid, though your labours have been onerous, and we have had some fatiguing work here, too, that our joint labours have not been productive of very large results, and I confess that in the course of these cases I felt myself very considerably disheartened on two grounds—first, I cannot shut my eyes to the fact that there have been very considerable failures of justice, and failures of justice that I do not hesitate to say have been produced by external influences operating upon some of the jurors. I expressly say some of them, for I think the great body of the jurors were most anxious for the performance of their duties, but no person of sense could fail to see that there were powerful influences operating upon the minds of jurors, preventing them from performing their duties. Well, Mr. Hall and gentlemen, this is a very sad thing, indeed—it is one of the most evil things that could happen for the country, for, after all, our civil rights and our criminal liabilities depend upon the fairness of the tribunal that we call the common jury, and if the common jurors will not do their duty—if they will let themselves be operated upon in the manner described, we have only to leave to those who are wiser than ourselves—the legislature—to consider whether there should not be some alteration in the system of trial by jury in this country. I will say no more upon the sub-There is another ground upon which I am personally disheartened. You will bear in mind that our primary object in coming here is for the repression of crime, and we ought to suppose, at least that whilst the assizes are pending and the law was being administered here that you would find that even during that period there would be some cessation of offences against the law, some cessation of disorder and crime; and in the hope that such would be the case, I called upon the county inspector for the East Riding only, which is a small portion of what we have to deal with, for a return of the offences reported to him since the assizes commenced. You will recollect that upon the occasion that I first addressed you I did so entirely upon the authority of official returns. Well, the return last presented to me brought it up to the Friday before the assizes, and the present return which I have before me brings it down to last Friday or Saturday, and refers to part of the periods during which we have been sitting here. I am sorry to say that the presence of the law here has not produced any diminution of the class of offences with which we have been dealing. On looking at the return I find that there have been in that period of ten or eleven days no less than fourteen threatening letters or notices in the East Riding alone—about this there can be no misapprehension or exaggeration. I find that a threatening letter has been sent to a gentleman of position, that if he did not dismiss his land agent

he might look out; another to a gentleman of very high position threatening him with death if he did not restore an evicted tenant; then there is one to the workmen of Mr. Sanders, in which they are threatened if they do not leave his service and cease to work for him, as he has been what is called "Boycotted." This was all within the last few days, and I see in one of the morning papers of to-day that it is alleged, I hope untruly, that an order to Boycott Mr. Sanders proceeded from a meeting of the Land League at Charleville—a branch of the Land League stationed at Charleville. I take this opportunity of announcing from the bench that every one of those members of the Land League who incited or directed the Boycotting of Mr. Sanders in the manner described—if it is true that it emanated from that body—is guilty of a misdemeanour, for which he may be made accountable. Well, gentlemen, in addition to these threatening letters, I find it reported that a party of armed men on the 13th December attacked a house and terrified the occupiers, and ordered them to do a certain thing within a specified time. Well, in addition to these offences reported by the County Inspector, I don't take into account ordinary offences, but in addition to these I may state that since I last announced having received a threatening letter myself, I have got four, only four since (a laugh). This is one I got yesterday—

# THREATENING LETTER.

"To J. F.

"Look here, you wretch, you will be trying a case some day of the week relating to the Manchester martyrs, R. I. P., and if you attempt to bring a conviction against the parties concerned, so sure as you are a living man to-day, the worms will have their Christmas dinner off your bones.

"By one that is sworn to go through the law. Afterwards," even if there was a regiment of the two-faced bloodhounds

around you."

And then there is a sentence that is so bad that I won't read it. The others are so blasphemous in their character that I would not read them. Gentlemen, I must say that I treat these charges personally with the utmost contempt, and no person can make a greater mistake than addressing them to the judges. I speak for myself, and I am sure I speak for my brethren, when I say that—far from influencing them in the manner the writers intend—if there was anything that could induce them to swerve from the strict line of duty, from the line of leaning towards the accused which every merciful judge adopts, it would be the sending to them of letters of this kind. I mention this as I learn it related to the last case. Well, gentlemen, the

state of society here must be very degraded and debased. Three of these letters I got from Cork, the fourth from Limerick-the state of society here must be very degraded and debased, even if parties are only amusing themselves, when they send letters of Gentlemen, I hope, however, and think that our proceedings here won't be entirely fruitless. I entertain a confident hope that the exposition of the law which has been made from time to time here during the assizes will not be without its effect. I believe many of those people who offended, many of those who were brought here before us, offended because they were deceived or misled, but they will now understand that if they act at the dictates of these miscreants, behind these armed and disguised men who lead them into difficulty, and never expose themselves to danger, but leave them always to stand the brunt of the law-that if they do that again they will at least learn that the consequences may be very serious to them. hope and trust that the Winter Assizes will not be without fruit in producing peace and order in the country. I thank you, Mr. Hall and gentlemen of the Grand Jury. To you, at least, I can say that you have done your duty fearlessly and firmly, and I will now make an order for your discharge.

# CONNAUGHT WINTER ASSIZES.

The Winter Assizes for the Province of Connaught were opened at Galway on Friday, the 10th December, at noon, by Mr. Baron Dowse.

Mr. Baron Dowse, addressing the Grand Jury, said:—

You are aware you are empannelled not only as the Grand Jury of the County of Galway, but as the Grand Jury of the Connaught Winter Assize County; that is, you are now called upon to act not only as the Grand Jury of your own County, but for the whole of the Province of Connaught. You will have before you bills sent from each of the Counties in the Province; you will be called upon to act as a Grand Jury of Leitrim, Roscommon, Mayo, Sligo, and Galway; and I am certain, Gentlemen, that you will, in every way, endeavour to discharge your duty faithfully between the Crown and the accused. It will be my duty to ask your attention to the various bills laid before you by the various Crown Solicitors, and shortly to call your attention to the law relating to at least one or two of the cases that will be presented to your consideration.

[His Lordship here referred to the ordinary crime of the Province, and then continued as follows:—]

But, unfortunately, Gentlemen, that is no index at all to the state of crime in the Province. Anyone reading these lists who thought they represented the crime in the Province of Connaught would be utterly mistaken. I have documents before me of a

very different description—namely, the list which has been furnished by the County Inspectors, showing the offences committed since the Judge sitting here discharged the gaol at the last Summer Assizes, and it will be my painful duty to state to you what these lists prove.

#### COUNTY LEITRIM.

# SUMMARY OF CRIME.

I will first refer to the County of Leitrim. Recollect we are dealing here, not with the record of a year's crime-we are dealing here not with the record of crime for the series of months extending from the Summer to the Spring Assizes, a period of eight months—we are dealing with what is practically the four months of crime since the gaols were last discharged at the Summer Assizes by my learned brethren who sat in the different Counties of this Province. They had lists laid before them by the same County Inspectors as to the state of crime in the Counties. The lists now before me set forth the number of crimes that are alleged to have been committed, and that in many, if not the majority of instances, have been committed in these Counties since the month of July last. Leitrim used to be in former days rather a peaceable County. I am informed by the proper authorities-I have it from gentlemen who are in a position to give me information, and I received that information -that up to very recently this County of Leitrim was a peaceable County, and that it is only of late that it has been infected by the disease that seems to be, I may say, permanently located in the County of Mayo. I find in this summary-I may weary you with going through the details, but the details of these offences I think of the greatest importance—I find that in the County of Leitrim since the last Summer Assizes there were seventy-five Indictable Offences, twenty-five of which are of sending threatening letters. Now, mark that when I say Indictable Offences, I wish to be clearly understood. I do not refer to summary cases of assault; I do not refer to larcenies, or cases of intoxication; these are not cases specially reported. I am alluding to such cases as might have been sent by a Bench of Magistrates either to the Quarter Sessions Courts or to the Assizes for disposal-offences that are termed in the language of law Indictable Offences. Of these seventy-five offences committed since the last Assizes how many are there for trial now? From the list before you five have been sent to the Spring Assizes, and that would make nine altogether out of the seventyfive that are prima facie amenable to the law. What are these offences? There are two cases of administering poison; there is one case of endangering life upon a railway line; four assaults, inflicting actual bodily harm; one burglary; four robberies; one cattle stealing; arson, killing and maining cattle, two; other injuries to property, four; five unlawful assemblies; assembling armed and disguised, one; five cases of administering unlawful oaths; seven for attempting to compel people to quit their homes or property or farms; two for assaults on dwelling-houses; two for attack and holding forcible possession; three for intimidation; twenty-five for sending threatening letters or notices; many of which—for I have read the details are letters threatening to murder the recipient. Murder, for what? For exercising the ordinary rights of every citizen; for instance, for taking possession of a farm, for ejectment for nonpayment of rent, or even for asking for rent. Two strange cases have occurred with respect to the County Leitrim which I wish to bring before you. A letter was sent to a highly respectable Roman Catholic clergyman, a gentleman of position-not sent to him actually, but posted in his neighbourhood, so that he would get it—threatening to injure the people who would pay him his lawful dues as a Priest because he paid his rent. Another was sent to a Doctor, or posted in the neighbourhood of the Doctor's residence, threatening anybody who consulted him as Doctor, or ordered physic from him, because he paid his rent. I take these as two typical cases of the class of offence in the Co. Leitrim. I merely state facts as I find them, and I leave the public to form their own opinion about them. I cannot pass from the Co. Leitrim without referring to another remarkable circumstance. I find from the list before me that, in these seventy-five cases, sixty-one people who were injured have declined to give any information to the authorities, or to assist the police in discovering the perpetrators of the crime.

# COUNTY SLIGO.

I now come to the county Sligo. The County Sligo was until recently a very peaceable county. I attribute that to the fact that Sligo is a very important town, and has a good deal of trade going on, and was brought under the civilizing influence that perhaps prevented it drifting away from the safeguards that kept society together. What do I find now? I find that fifty Indictable Offences have been committed in Sligo since last Assizes, leaving out common assaults, of which there were two hundred; and I find that out of this number only three cases are for trial here, and also that there are three cases in which the parties decline to prosecute, the difficulty being in this case to discover the perpetrators of the crime. What is the list for the County Sligo? One murder—that is the case I have mentioned to you, and I think it is only right to state that that murder has nothing to say to the state of the county, and is not an agrarian murder. That is the case of The Queen v. Moffett, and it is a case which might occur in any county, and therefore is not to be considered a crime that is out of the ordinary course. It does not in any way show that the disease has affected Sligo. The list includes—firing at the person, one; stabbing, two; assaults inflicting actual bodily harm, six; burglary and robbery, three; horse and cattle stealing, three; arson, three; injuring and maining cattle and other malicious injury to property, four; and twenty-six threatening letters, making up a total of fifty. The threatening letters are of the same description as those I have already referred to. So much for the County Sligo, which is certainly a great deal worse than it used to be, but it is not in as bad a condition as some of the adjoining counties.

#### COUNTY ROSCOMMON.

I now come to the County Roscommon. There have been

committed since last Assizes forty-six Indictable Offences, and three of these are for trial here, and twenty-three people have declined to give any information as to the offenders; attempted murder, one; firing at the person, one; assault with intent to ravish, one; other assaults, four; arson and other wilful burning, two; malicious injury to property and maiming cattle, seven; unlawful assembly, three; attempts to compel persons to quit houses and farms, two; threatening letters, fourteen: in the whole making forty-six—far beyond the average of former years.

## COUNTY MAYO.

#### SUMMARY OF CRIME.

I come now to a county which, as presented before me on this one sheet, displays an appalling state of crime—the County of Mayo-although, indeed, when I come to your own county you will not think there is much to choose between them. number of offences committed in the County Mayo since the last return was laid before the Judge-four months ago-is two hundred and thirty-six. These are all Indictable Offences, and leave out of consideration eight hundred and eighty-eight Summary Offences. Of these Indictable Offences there are twelve for trial at the present Assizes out of the two hundred and thirty-six committed. I think I shall be justified in calling your attention as Grand Jurors to the fact—and I shall not attempt to draw anything from it—that two hundred and fifteen people have declined to give any information. That may arise from either a desire to shield the guilty or from terror. I state the facts, and I draw no conclusion from them. There are fifteen letters threatening to murder; two cases of firing at the person; assaults, twelve or thirteen; cattle stealing, four; arson and other wilful burning, twenty-nine; burning hayricks, stores, and houses, killing and maiming cattle, twenty-four. I have passed over in the counties I have been reviewing these acts of killing and maining cattle without remark; but this I must say, that a more dastardly and cowardly offence was never committed by human hand than to main innocent beasts, unable to defend themselves, placed in a position where they have done injury to no person, and objects of sympathy to every right-minded man. Maiming cattle, cutting off horses' tails, cutting their legs, killing cows—and for what earthly purpose is all this done, except to wreak vengeance on the unfortunate owner of the animals? Crimes more atrocious, more savage—I don't say unchristian, for I think that is no word to apply to these offences—could hardly be conceived. Heathens who have never heard the joyful tidings of Christianity would not have committed the offences that have been committed in this country. dreadful, savage offence they had twenty-four cases in the County Mayo-I mean that have been reported to the police; other wilful injury to property, thirty cases; nine riots, and two unlawful assemblies; two Whiteboy offences; five attempts to compel people to quit their farms; ten assaults on dwellinghouses; printing, writing, posting, and sending threatening letters, seventy-three; three attempts to take forcible possession; making altogether the dreadful outcome of two hundred and thirty-six offences committed in the county-I mean Indictable Offences—since last Summer Assizes, and in which two hundred and fifteen persons who were injured would give no assistance to bring the guilty persons to justice.

# COUNTY GALWAY.

I pass from the County Mayo, and I come to the County Galway. At first I thought that Galway was better than Mayo, but I left out of sight that there are three lists for Galway—one for the West Riding, one for the East Riding, and one for the Town, and that added together they make two hundred and ninety-one Indictable Offences committed since last Assizes, which is overtopping Mayo by sixty cases. I think it right to show you that in the West Riding we have two hundred and eight offences in which one hundred and twenty-seven persons who were injured have refused to give any information so as to enable a prosecution to be instituted. In the East Riding we

have sixty one offences in which forty-three persons decline to give information. Of the whole of these there are only nine cases for trial at the present Assizes. Coming to the Town of Galway, which, as you know, contains a large country population, there have been twenty-two offences, and three are for trial, while eight persons decline to prosecute. On the whole County Galway we have twelve cases for trial at the present Assizes, and two hundred and ninety-one Indictable Offences, leaving out the Summary Offences, which I have already referred to, and two hundred and seventy-eight people have declined to prosecute. In the West Riding of the County Galway there have been thirty-one cases of sending letters threatening to murder, twenty-two cases of arson, twenty-two cases of injury and maining cattle. In the East Riding you have, on the Supplemental List, twenty-nine offences which I need not further refer to; and on the East Riding list you have sixty-one offences, of which nine are threatening letters, nine injury to property; resistance to legal process, and assaults on processservers, one; attempted robbery and robberies, three; four assaults, and thirty-five letters threatening to murder. This is in the East Riding alone. The East Riding of your County, as you know better than I do, is the lowland district, extending to the Shannon, and along in that direction, and in that space thirty-five threatening letters to murder have been sent since last Assizes.

# MURDER OF LORD MOUNTMORRIS.

I have already referred to the Town District, where twenty-two offences have been committed, and I need not refer to them in detail. But these papers do not show all the crime that has been committed, nor do they show you the condition of the county to its full extent. You all recollect being startled, on a morning in September last, by the intelligence flashed over the country that Lord Mountmorres had been murdered when going home in the evening from the village of Clonbur to his residence, Ebor Hall, on the northern shore of Lough Corrib. To me it was most shocking intelligence, for in the early part of the year

I had the unfortunate nobleman before me as defendant in a case in the Court of Exchequer, and he certainly seemed to be an exceedingly inoffensive gentleman. It was a terrible crime, and the perpetrator of it will probably never be brought before the bar of justice. He must be left to his God, and to the miserable torture of his own conscience—if he possesses a conscience—a fact which I am somewhat inclined to doubt, when I look at the condition of several parts of this county.

#### THE BOYCOTT CASE.

There is another thing that has not been brought under your attention as Grand Jurors-and that is an occurrence which took place in the County Mayo that excited the wonder and amazement of a great part of the United Kingdom, and the sorrow of a considerable portion of Ireland—that transaction in connexion with Captain Boycott. That gentleman was agent for a small property, the interest of which did not produce more to him than £150 a-year. He was also a large farmer. For some reason or other, into which I need not go-nor am I in a position to do so-he became what is called unpopular; and we all know what that means. He was placed in what we used to know as Coventry-no one to speak to him or have any dealings with him—and he could not get his crops saved. We then see a number of men coming down from the North of Ireland to help him to save his crops; and we recognise the fact that it was deemed necessary to send an army positively to protect these men who were engaged in assisting that unfortunate gentleman to save his crops. He has left the country since, for the protection of his life, and no more.

I need only mention these facts. Ireland was a country once famed for its hospitality—it was a country where—

"Though they loved woman and golden store, Sir Knight, they loved honour and virtue more."

Ireland is rapidly in danger of losing that character if transactions like that of Captain Boycott's are to be the rule and not the exception.

# THE REIGN OF TERROR.

I have laid before you a state of facts, without extenuating anything or setting down aught in malice—the facts of the criminal condition of the province. I might be asked, What is the result of all this? All I can say is, that this is neither the time nor the place for me or for you to discuss the causes of that condition of affairs. These causes may lie far behind in the history of our country. They may be alarmingly near at hand. not for me to discuss them here. This is neither the time nor the place to discuss the remedies for this state of affairs, except so far as the remedies are bound up with the law, the wise and firm administration of which I hope all will take part in during the present Assizes. This, however, I will take the liberty of saying, for I think it is the time and the place to do so, that if this state of affairs is allowed to continue much longer, immediate danger to Ireland will be the consequence, and ultimate disgrace to the empire of which she forms a part. No true friend of Ireland, no real lover of liberty, as contradistinguished from licentiousness, can dare approve of the state of facts I lay before you. I speak not alone in the interest of the victims of this Reign of Terror, as it is properly called, but also in the interests of the poor people themselves, who are too often the tools of men who are more crafty and designing than themselves. I speak in the interests of the whole country, which in every part, from North to South, from East to West, in the study of the professional man, in the wareroom of the trader, in the home of the country gentleman, and in the cottage of the farmer, feels the terrible influence of this dreadful disease, some of the more dangerous symptoms of which I have laid before you. I hope it is not out of character for me to say that I fervently pray to God that this cloud of discontent and crime which is brooding over this province may be speedily removed, and that peace and happiness, truth and justice, may be once more established within its borders.

# CONNAUGHT WINTER ASSIZES.

# FIRST DAY.

convictions. crimes.

1 Larceny.

ACQUITTALS.

CHARGES.

Note.—Several men were indicted for riotous and unlawful assembly in Co. Leitrim. The case was the well-known one in which Mr. H. Acheson, in attempting to fence a farm over which he was agent, was obstructed and assaulted, and mobbed by 1,000 people. Being in great danger, Mr. Acheson fired and killed one man, Meehan. The following was Baron Dowse's charge:—He said there was no doubt a riot had taken place, and it was a riot of a very serious and important nature. Acheson was a young man whose position was not very much above that of the prisoners, except that his mother had the good fortune-perhaps he should say the bad fortune-to possess a little property of her own. She had evicted a person from the farm, and after it had lain untenanted on her hands for fifteen months, she gave it to her son to manage, and he went there with six men to fence the land. A mob gathered and fired shots, and threatened him off the land. Next day he brought fourteen policemen. His lordship did not know why they were brought there at all. They did nothing, and no doubt if they had affairs might have been worse. Certainly if discretion were the better part of valour, the Head-Constable selected the better part. was to be regretted the police were not under the command of a steady, sensible man. If they had been, the result might have been that the people would have gone away, and the unfortunate man who was shot might not have lost his life. Unloading the guns encouraged the people to pursue their unlawful course, for when the guns were unloaded the people said they would die on the soil they were on. No doubt that was a safe thing to say when the guns were unloaded. What happened was that the mob ran after Mr. Acheson, and that the police ran after the mob, and Meehan was shot by Mr. Acheson while he was closely pursuing him with a fork. He (Baron Dowse) wondered that when the Head-Constable ordered the police to unload, he did not also order Mr. Acheson to unload his pistol. If he had done so, Mr. Acheson would never have appeared there as a The whole affair was more than a riot. It was an act of civil war, and it had never before been his duty to investigate such a case in a court of law.

The Jury disagreed, and were discharged.

#### SECOND DAY.

CONVICTIONS.  1 Riot and Unlawful Assembly. (See Note.)	ACQUITTALS.	CHARGES. Attack on a Dwell-ing-house.
---	-------------	---------------------------------------

Note.—Four men were indicted for riotous and unlawful assembly at Cross West, Parish of Cong, and for assaulting three policemen. The constables were on duty at the fair on the day in question. Two men began to fight, and they arrested them. They were then themselves attacked by a crowd of about four hundred men, and struck with stones. They drew their swords in self-defence. Fitzgibbon received a wound on the back of the head that stunned him. They took refuge in a house, and escaped by the back door, and the crowd pursued them. When they reached the River Cross, which is about seven feet in depth, they jumped in and swam across. They were still pressed by some of the crowd, and they were obliged to take refuge in the house of a man named Killylea. Fitzgibbon fainted from loss of blood when he got into the house, and he was so exhausted when he got out of the river that he was unable to carry his sword. A reinforcement of police arrived and relieved them. The constables identified the prisoners as being members of the crowd, and it was alleged against several of them that they struck the constables.

# THIRD DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
	Assaults. Illegal Rescue.	month of	Tumultuous Assembly.
1 1 1	Attempted Rescue. Wrecking a Ship. Riot.	1000	Assaulting Police.
1	Assaulting Police. Murder.		

# FOURTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1 1	Common Assault. Assault. (See Note).	neolito N	Resistance to Process-serving.
	O.C., andust the ci	a la problem	Assaulting Police.

Note.—In this case M'Manus stated that he was a bailiff on the estate of Lord Southwell, and the prisoner's father was a tenant on the same estate. On the 24th November a stack of turf belonging to witness was burned, and he went out to find where it was on fire, in order to see about it. As he was turning the corner of the field on his way home a shot was fired at him from behind a ditch about forty or sixty yards away. He ran over to the ditch, and a man jumped up from behind with a gun in his hand. That man was the prisoner. He asked him why he had fired at him, and the prisoner ran away, and witness followed him. He had known him and his father for years, as they were neighbours, and he did not believe there was any ill-feeling against him. He followed the prisoner to his father's house. He went next morning to the place where

the shot was fired, and pointed it out to the police.

His Lordship, in charging the jury, suggested that the turfstack had gone on fire owing to the great dryness of the climate in that part of Ireland. The peculiarity of the shots fired in Ireland was that they were fired from behind ditches—he supposed he might venture so far as to make that observation. The party fired at was generally taken unawares. No doubt that was an act of very great courage, and his Lordship supposed it one that entitled the marksman to great merit amongst his companions and sympathisers. The prosecutor did not believe there was any ill-feeling against him. Possibly, then, the way they had of showing this good feeling towards a neighbour in that part of the world was by firing a shot at him. The prosecutor had admitted that he had been in jail for refusing to give evidence. God knows he did not find fault with the man for that. A man's life and liberty were dear to him, and it was all very well for people at a safe distance to be indulging in heroics about the duty that was imposed on people in the present state of affairs.

The jury found the prisoner guilty of a common assault, and he was ordered to stand back.

# FIFTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Threatening Let-	1	Whiteboy Offence.
	ter.	1	Murder. (See
1	Posting Threaten-		Note).

Note.—The MacDermott, Q.C., opened the case on behalf of the Crown. Mr. Feerick, the murdered man, was the agent of Mr. George Brown, the late member for the County of Mayo. He had received some threatening notices, and was previously fired at, but escaped. He was generally guarded by police, but

on some occasions, being a tall, strong, powerful man, he went about without an escort. On the day in question he went into the town of Ballinrobe to attend the Extraordinary Road Sessions, and on the way home from Ballinrobe, about half a mile on the road, he was met by three men, and after passing them he was shot from behind, and when he fell he was again fired at by these three men, who were armed with revolvers, and shot through the eye. Shortly afterwards Mr. Feerick was found lying on the road by Mr. Glover, the County Inspector, of Castlebar, who at once drove back to Ballinrobe, and informed the Rev. Mr. Layelle and police of what he had seen. proceeded to the spot, and found Mr. Feerick in a dying state. He was brought to the Workhouse Hospital in Ballinrobe, where his depositions were taken before Mr. M'Sheehy on the 30th June, and on this occasion he deposed that the prisoner was very much like one of the three men who had fired at him on the previous evening at Carnaleeke. He could not swear positively that he was one of the men, but if he was he wore a better coat at the time he (Feerick) was fired at. Also thought the man whom the prisoner resembled wore a coat of a darker colour. On this occasion he said, in reply to the prisoner, that, as far as he could remember, the men who fired at him had not a horse with them. In an information made subsequently, on the 12th, before Mr. M'Sheehy, R.M., the deceased said that the man present, who said his name was James Hynes, was, to the best of his belief, one of the men who had fired at him when he was down. He also believed he would be able to identify the other two men if they were brought before him. Their faces were quite familiar to him, but he did not know their names.

# SIXTH DAY.

(Four cases of no public interest were disposed of).

# LEINSTER WINTER ASSIZES.

The Leinster Winter Assizes, for the Counties of Tipperary, Waterford, Wexford, Kilkenny, and the North and South Ridings of Tipperary, were opened at Waterford on December 8th, 1880.

Addressing the Grand Jury, Mr. Justice Barry said—

Mr. Denny and Gentlemen of the Grand Jury of the City of Waterford, although I address you as a grand jury of the City of Waterford on this occasion, you are empanelled as the grand inquest of a much more extensive district of the country than your ancient city. You are constituted also the grand jury for the purposes of these Winter Assizes for the Counties of Waterford, Kilkenny, Wexford, and Tipperary, and I very much fear that the duties you will have to discharge will be both onerous and responsible.

# LAWLESSNESS AND INSUBORDINATION.

If we are to trust at all to the ordinary channels of public information—and I have no other means of knowledge on the subject than you have—there has been for some months past prevailing in many parts of this country a determined spirit of lawlessness and insubordination, and defiance of and contempt for the law have been manifested in offences against the person and property more or less serious and aggravated, and of the class commonly known as agrarian. Some of these offences are of a type unfortunately with which we have been

from time to time unhappily too familiar in this country-murder, assaults, incendiarism, injuries to property, maining cattle, threatening letters, and the like. Others of these offences are of a character certainly novel, or at least hitherto unusualviolent resistance of legal processes, the forcible retaking possession of land from which the parties had been evicted, the forcible reinstatement of evicted tenants by bodies of men apparently strangers to the transaction between landlord and tenant, intimidation practised to prevent tenants paying rents higher than a certain amount-Griffith's valuation, I think-intimidations practised to prevent persons taking lands from which tenants have been evicted, or to force persons who may have taken possesion of such lands to give them up; violent assaults upon bailiffs and other officers of the law, and the like. people say that in the accounts of these matters that reach us there is much exaggeration, that some of the reports are mere inventions, mere fabrications, or that the offences are not of the agrarian class to which they are attributed, and that the accounts given of them are the results of hated imagination or credulity, stimulated by panic. This may be so; but making every allowance for exaggeration, still, if one-tenth of what we hear and read be true, no sane and candid man can deny that there exists in many parts of this country a state of things demanding grave and anxious consideration.

# THE LAND LEAGUE.

We are all aware that there has been going forward for some time past in this country a political movement, having for its object a fundamental alteration of the land laws and land system of this country, and an organization for the promotion of that movement has been called the Land League. Now, the opponents of that movement allege that it, and especially the operations of the Land League, are the direct and immediate cause of the state of things to which I have adverted, and that the leaders of the movement are responsible for all that has occurred or may occur. On the other hand, the advocates of

the Land League assert that the agrarian crimes are the direct result of unjust land laws, and that the organization has the effect of checking and not promoting agrarian outrage. Now I do not know, I have no means of knowing, and I do not want to know, what your opinions or sentiments may be on that subject, I only advert to it for the purpose of impressing on you that with that controversy and the topics which it involves you and I, in discharge of the duty that devolves on us here, have absolutely We are not here to examine into the causes of no concern. crime, we have no power to do so, whether these causes be remote or immediate. We have no right to do so, no power to do so, and we have no machinery for doing so. It is for the Parliament of the country to inquire into the causes, and if necessary to provide a remedy, Our duty is wholly different. We are to inquire according to our respective positions whether a criminal offence has been committed against the laws, and if it has, whether the person charged with it be guilty or not. That and that alone is our privilege and our duty, and if we travelled out of the path of that duty into any of the regions of controversy or speculation, we would violate the sanctity of the oath under which I, as well as you, are appointed here to administer the law. I am sure I need not observe to gentlemen of your experience and intelligence that the first condition of civilised life is that the law must be obeyed, and that it never could be permitted in any community that any person, or class of persons, for any object or under any pretence, should be allowed to defy and violate these laws, which are established for preservation of public order and the safety and security of property and life. I will now very briefly advert to the cases to be brought before you, and to some matters connected with the district over which you are on this occasion to exercise the function of a grand jury.

# COUNTY WATERFORD.

Now first, I may pass over the City of Waterford, and advert to the county with which you are more immediately

connected, the County of Waterford. There can be no doubt on the official documents before me that the spirit of what is called agrarianism has reached this county; but from what I have read. from what I have seen, and from what I have heard, I think it would be an entire mistake to maintain, and an error to allege. that the condition of things in this county at all resembles that which we are informed exists in other parts of the country. You will have before you seven bills for offences charged as being committed in the County Waterford. One of these alone is of an agrarian character. It is the case of a man charged with taking forcible possession of land from which he had been evicted. He came, it appears, to the caretaker's house-there were two men with him--and induced the caretaker to restore it to their possession. That, however, is not all. another document before me which cannot be disregarded. It is commonly called the report of the county inspector; but, in point of fact, it is a tabular statement from him, and under his hand, not given in any general terms, or giving his views in a vague or general way, but a detailed, deliberate statement of every offence reported to the constabulary since the last preceding assizes. If you look at it, it will be seen that it is a very elaborate document indeed. It gives the names of the injured party, the place, the time of committing the offence, and a variety of other details, sometimes expressing an opinion that the act is malicious, and sometimes that it is not. On looking at that document I find that it is accompanied by an admirable analysis, or rather a comparative analysis, of the contents of that return as compared with the return for the corresponding period of last year. This report, with its analysis, is an admirably prepared document, and one that I intend bringing under the notice of the authorities, with the object of having a similar course adopted as a general rule, because, after all, when you are considering the state of a district and the increase of crime in a district, a comparison of the return of crime at the present period with the previous return, representing a corresponding period, should form an element for consideration, and undoubtedly there has

been a considerable increase in the number of offences reported since last assizes as compared with the corresponding period of last year.

#### SUMMARY OF CRIME.

There has been, in round numbers, an increase of about twenty cases, and on examining the details I find that of these twenty cases eighteen are cases of, or are alleged to be of, an agrarian type. At first sight, and indeed in view of the cases, there is a considerable increase of offences, and when we examine more into detail we find that of these eighteen cases there are twelve or fourteen for sending threatening letters. Now, threatening letters are generally dealt with from two different points of view-I think sometimes rather erroneously. I consider the writing of threatening letters a most grave and serious offence. It is a malignant act, and though the writers of threatening letters may have no more grievous purpose than the gratification of malignancy and spite, yet they are eminently calculated to alarm the females of a man's family, and destroy that domestic tranquillity that should reign in every homestead. On the other hand, I think that sometimes too much as indicating an intention stress is laid on them the part of the writers to commit the damage or injury they threaten. Indeed, in the vast majority cases, I believe they are written for the purpose of merely intimidating and frightening the persons to whom they are addressed, without any intention of carrying out the fell purpose indicated. But they should not be too lightly disregarded, for they seem to always accompany a state of turbulence and disturbance in this country. It would seem as if persons having selfish objects to serve, and entertaining spite, took advantage of the alarm prevailing to write these letters, and thus create that panic through which they think to carry out the objects they have in view. Now, there are in County Waterford three cases of taking forcible possession. One of the cases is one which I have already mentioned. Of the other two, one is

a case in which a man went back into the land from which he had been evicted. The land belongs to a community of nuns, who have taken no steps in the matter. And the other is the case of a man who says he was put back against his will; but the case is still under investigation. There are two cases of injury to property, and a case in which a shot was fired into the dwelling-house, obviously with the intention of alarming the people. Though it would be very desirable that we had less of these agrarian crimes, yet, unhappily, as compared with other parts of the country, according to what we are informed, it does not seem that the county can be regarded as, at all events, in the same condition as other parts of Ireland.

# COUNTY KILKENNY.

Now, the next district to which I will call your attention is the County Kilkenny. Well, unfortunately, as regards that county, or rather as regards those districts with which we have to deal, it was, owing to some misapprehension, only since I arrived in Waterford that the returns were furnished to me that go elaborately into detail. It is therefore impossible for me to examine them minutely. However, going through it as well as I was able, I do not find any case of an agrarian character, except some cases of threatening letters, and as to that class of offence I need not make any further observations. Of course when I say that with reference to Kilkenny, there is one case, which I am sure is in your minds, which constitutes a sad appalling exception.

# MURDER OF MR. BOYD.

Gentlemen, I have had considerable experience in the administration of criminal law in this country, but within my immediate cognizance no case of a more terrible character has come before me than this, in which two men are charged with the murder of young Mr. Boyd. Gentlemen, it is not my habit to go in detail through the facts of any case which is to come before the Grand Jury. I do not think it serves any useful purpose to do so, because the Grand Jury are to, and should, act upon the evidence

to be brought before them. The Judge has before him only the depositions, the informations as they are called, and there may or may not be a material diffierence between the evidence before the Grand Jury and the depositions before the Judge. In this case, in particular, I could give you no assistance what-The case does not involve any legal complications or Four gentlemen are driving on an outside car-Mr. Boyd, his two sons, and his nephew. They are assailed in the middle of the noon day by three men, armed with rifles and bayonets, and in strange disguise; and, without going further into detail, one of the young men-a youth, said to be most promising, and just coming to his profession—is shot, I believe, dead on the spot. For that two persons named Phelan have been arrested, and are indicted for the murder. course I need not tell you that in that case, as in every other, you will examine the evidence, and if you find that it is of such a nature as that, if unexplained, it would require to be investigated by a petty jury-if upon the evidence you are of opinion that there is a prima facie against the accused, it will be your duty to find a true bill. Now, gentlemen, having disposed of this exceptional case, I may state that the City of Kilkenny calls for no special observations.

# CITY OF WATERFORD.

In the City of Waterford there are three or four cases, and these are of the ordinary description, with the exception of one, in which Patrick Gubbin is indicted for the murder of an old woman. This Gubbin and his wife appear to have attacked this old woman, beaten her about, and finally struck her with some weapon on the head. If, gentlemen, upon an investigation of the facts, you are of opinion that the death resulted from a sudden quarrel or dispute, and that there was no premeditation, that would reduce the case to one of manslaughter, and the better course, perhaps, would be for you to come into court and ask to have a bill sent up for manslaughter. You, gentlemen, are too well acquainted with your duties not to know the dif-

ference between manslaughter and murder. One is where the death results from a sudden quarrel, in the progress of which a blow is given which proves fatal or results in death. In the case of murder there is premeditation. Here there appears to have been a savage attack made by this man and his wife upon the deceased. Probably the attack was made under the influence of drink. I do not know how that may be; but you, when you come to investigate it, will exercise your discretion in the matter.

# COUNTY WEXFORD.

With regard to Wexford, the next county, I may say that I have been entirely unable in the time allowed me to make even an approximate attempt to go through the return. There appears to me to be a very large number of cases—no less than 63. Of these there are 18 threatening letters, and what other cases of a threatening nature there may be I am not able, at present, to say. It appears to me, however, that 63 cases for the County Wexford is a great deal.

# COUNTY TIPPERARY (NORTH RIDING).

Now, the next return I have in my hand is the return for the North Riding of Tipperary, and, certainly, as well from this return as from what I hear, there is reason to believe that, as I have already said of Waterford and Kilkenny, although this agrarian spirit would seem to have reached it, it certainly, so far as I can understand, has not reached that intensity which it has in other places. I sincerely trust that such a state of things will continue to exist. Now, in the return for Tipperary of 40 cases, I find there are 16 of an agrarian character. Of those six are threatening letters or notices, but I have to say that amongst those cases of an agrarian character you have before you two arising out of the one transaction, and certainly some are of a very serious character.

Now, the first case on the Crown Solicitor's list is that in which Thomas Slattery and others are indicted, or are to be indicted, I do not know which, for the murder of John Donohue.

Now, what was that case? It was a case of the utmost gravity. A man named Luby was, I believe, evicted or surrendered a farm, and, having been put out of the farm, or gone out of it, he came back himself, and he violently excluded a man who was left in charge, and reinstated himself in his place. Well, I believe he was arrested on that charge, and then five bailiffs were put in possession, and one day since the last assizes a large party of men entered into the place, some with guns, some with other weapons, assaulted and beat the bailiffs, and drove them out of the place, took possession of the premises, and melancholy to say, one of the bailiffs had since died, and men are to be tried for his murder. It is a case of the utmost gravity—a class of offences which, if permitted to go on with impunity, would really dissolve the body of society. These men are also indicted under the Whiteboy Act for what is known as taking forcible possession. And then comes another case where a man of the name of Marr and others are indicted for riot and assaulting a sheriff. sheriff, it seems, had taken possession of a farm (which seemingly to some extent Marr had held under a lease) for non-payment of rent; and possession having been given over by the sheriff it was forcibly re-taken. The Court of Common Pleas issued a renewed writ, and when the sheriff went to execute that writ he was met with the utmost violence. He was not only assaulted, but it was merely through the aid of an armed force of the constabulary, under an able, experienced, and intelligent magistrate, that he was able to discharge his duty, and execute the writ for possession. I am glad to hear there appears to be some arrangement come to between the landlord and the tenant, and that friendly feeling has been restored. I do not know how that is. At the same time this is a serious offence, and one that must be regarded with the utmost disfavour, and it would be impossible for a community to exist in a state of tranquillity and civilization if cases of this kind were allowed to go on with impunity.

Then there is a family dispute about property. Honora Costello and Honora Costello, jun., and a man, are indicted for taking forcible possession of land, and these people

allege that they were put back by strangers by force; an extraordinary condition of affairs—a state of affairs which I have already said cannot be tolerated. So far for Tipperary. Then, as to Wexford, there are 63 cases reported-four go before you for trial. They seem to me to be of an ordinary character. There does, however, appear to be one serious offence. It is the case of a man named George Allen, who had the audacity, as alleged, accompanied by other persons, to threaten a witness, and for what? Because he ventured to give evidence before the magistrates in the case of the murder of young Mr. Boyd. Well, I can only say that a more serious interference with the administration of justice I cannot imagine. It is a matter for which (if it occurred during the sitting of this court to any witness who is to give testimony, or had given evidence) there is a remedy I would adopt of a very summary character. I would send him to prison without any trial before a jury. If any person is found to presume to interfere with the course of justice, be he who he may, he will find himself in a position that he will deeply regret. This man is to be brought before you for this offence. Examine into the case, and, if you find there is no foundation for the charge, or that it is frivolous, you will disregard it; but if you find there has been a deliberate attempt, by force or threats, to interfere with the course of justice, then you will deal with it as the representatives of the public. Though some of the cases to be laid before you are of a serious and grave character, involving in a large degree the peace and tranquility of the country and security of life and property, still I do not think they present any legal complications. If they should do so, I will be happy to offer you my advice.

# LEINSTER WINTER ASSIZES.

# FIRST DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
2	Larceny.	1	Larcency.
i	Assault.		
1	Indecent Assault. Manslaughter.		

# SECOND DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Unlawful Assembly.		
1	Bigamy.		
2	Attacks on Bailiffs.		
1	Taking forcible possession.		
1	Larceny.		
1	Forcible rescue from Bailiff.		
1	Manslaughter.		

#### THIRD DAY.

Upon the application of the Solicitor-General, Judge Barry was requested to postpone the trial of the prisoners charged with the murder of Mr. Charles Boyd. The grounds of the application were that the Land League and the Local Press had so successfully influenced the large majority of the Waterford jurors, that a fair and impartial trial could not be had.

The application was subsequently granted.

#### FOURTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1 2	Theft. Taking Forcible Possession.	1	Manslaughter.
1	Manslaughter.		

#### FIFTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Taking Foreible Possession. (See Note A).	1	Threatening a Witness.
1	Assaulting the Sub-Sheriff. (See Note B.)		

Note A.—The evidence for the prosecution went to show that in May last the prisoner had been evicted from the farm for nonpayment of two years' rent, and since then he had lived in Waterford. Butler, who lived in Kilmacthomas, was put in charge of the house. Some time ago the prisoner met Butler in Waterford, and told him that if anyone came looking for the things he had better give them up quietly. About half-past seven o'clock on the night of November 4th the prisoner called to Butler's house and said a man named Daniel had written him a letter appointing to meet him there. After waiting for about ten minutes O'Callaghan said he would return, but when he reached the rere of the house he found three men with blackened faces, and one with a pistol in his hand. They told him and O'Callaghan that they should go with them to the farm of Newtown for the purpose of putting the former in possession. O'Callaghan said he did not want to go, for the place "was not fit for the cranes." The men said he was a coward, and that he should take possession, for it was not for his sake, but for the good of the country, that they were acting. They also said that they had a number of men on cars with them. When they reached the house previously occupied by O'Callaghan, the prisoner broke in the window, and ordered Butler to get in and open the door, which he did. Since then he had remained in possession.

Note B.—This was the Kilbury eviction case.

Mr. Gerald Fitzgerald, Sub-Sheriff of the County of Tipperary, was examined, and deposed, in reply to Mr. Ryan, Q.O.—On May 20th I went to the lands of Kilbury with a writ (produced) of possession; when I arrived at the avenue gate, about one o'clock in the afternoon, I found it locked and barricaded, and along the avenue leading to the house the trunks of trees had been placed across at various distances, so as to prevent the passage of any car or carriage; two or three persons were assembled at the gate, and there was a large force of police under command of Captain Slack, R.M., and a sub-inspector; accompanied by the police, I walked up the avenue towards the house, stepping over the barricades; on entering the large courtyard the whole front of the house appeared to be barricaded against

an entry, and the windows were shut; the police force was divided, and I, with the magistrate and the sub-inspector, went with one party to the rere, which consisted of a garden enclosed by walls and high hedges; the windows seemed to be closed similarly to those in the front of the house; at the upper window on the left-hand side were Mr. and Mrs. Meagher; other persons appeared to be in that window and some of the upper windows; I demanded admission, but it was refused, and Mr. Meagher

said he thought my business was done for.

Had you taken possession on a former occasion?—Yes, on two former occasions; I explained that I had a renewed writ for possession, and whatever the consequences would be I should get possession; Captain Slack, as a magistrate and a gentleman who knew the neighbourhood, expostulated in a similar manner, and explained the purport of our mission; there was a long lobby window over the door which led into the garden, and which door was in the centre of the rere of the house; after a considerable delay, believing that there were a good many people inside the house, I endeavoured to make an entrance through the lobby window; Mr. and Mrs. Meagher came down to that window; they lowered the upper sash, and as some of my men tried to go up and enter, Mr. Meagher put a heavy box or trough out of the upper part of the window so as to prevent anyone entering, or with the intention of dropping it on anyone who might attempt to force an entrance; I saw men behind the the lobby window; they were armed with scythes; I did not think it safe for any man to go in the windows, because he could not be supported; subsequently I tried to effect an entrance through the doorway below the window; a long ladder was found in the garden, and was brought forward and used as a battering ram to batter in the door; I forced the door, but could not effect an entrance, as it was barricaded with cart-wheels. trees, and other things; while I was endeavouring to force an entrance a heavy weight was dropped from the window above, or thrown from the upper part of the door, and I only saved my head by catching the weight on my hand; I then with my men battered in the back window of the back drawingroom, which lay to the left of the window and the door I have been speaking about; when the window had been battered in Mr. Meagher came out of it into the garden and surrendered himself prisoner; he was armed with a double-barrelled gun; prior to this there was a good deal of shouting in the house, and cries of "Hurrah for Kilbury," and that anyone who attempted to take possession would be murdered; I begged of Mr. Meagher to have possession given up quietly; Mrs. Meagher refused to give up possession, and said she would not permit anyone to give up possession; Mr. Meagher made no response to me; I then called on Mr.

Slack and the sub-inspector, they having seen me and my men assaulted in the way we had been, to go in and arrest the defendants; he declined to do so, alleging that if the police first went in they would be taking possession, and said it would be necessary for me or one of my men to go in first; I then said I would go in myself, for if a bailiff went in he would be murdered; the ladder was then lying partly on the ground and partly on the window sill, and I went up it while it lay in that position, going on all fours; I saw several men inside the window armed with various weapons; as I was about to go in at the window I saw the prisoner Sheehan standing on the right hand side with a pair of black kitchen tongs raised in his hand; he made a blow at me with the tongs; "Oh, my God!" I cried, and stooped to avoid the blow, but my feet slipped and I dropped forward on the ladder and the blow passed over me; I jumped up and sprang into the room, and Sheehan ran out through the door and endeavoured to make his escape by the door at which I had been trying to make an entrance, but I seized him by the throat and we both rolled over on the ground. The other parties in the house rushed out on the door, and some of them fell over us in a heap and were arrested; I removed the barricades which were in the windows and hall-door; the crowd at the gate followed us down to the house; stones were thrown at us from behind the walls and hedges of the garden while we were endeavouring to take possession, and police had to be sent round to where the stones were coming from.

# SIXTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Manslaughter.	1	Intimidation.
1	Taking Forcible		
	Possession.		

#### SEVENTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
orient <del>ia</del> nia kan	and the partie	Ver a min - in a new	Whiteboyism. (See
			Note.)

Note.—This was a case of an attempt at night to compel some bailiffs to leave a house. The following facts were deposed to:—On the night of the 3rd October the house was surrounded by a band of about twenty-five men, having their faces blackened, and armed with guns, pistols, and stones. They fired

shots through the door, and finally smashed in the door and windows. They seized Donohue, whom they brutally ill-treated, and forced him and the other bailiffs to flee at the peril of their lives. The deceased died a few days afterwards from the wounds he had received. Thomas Stapleton was tried for his murder, but was acquitted, evidence to prove an alibi having been given. The evidence adduced on the present occasion was substantially similar to that given on the former trial, except that additional informations made by the deceased were read as to the eight prisoners charged with the present indictment having been present among the party who made the attack on the house and assaulted him. William Slattery had a gun, and Patrick Fahy had a pistol, which he several times discharged. Michael Slattery, son of Thomas Slattery, flung a stone at deponent (deceased), and hit him near the right eye. Deponent received some slugs in the leg, was knocked down, jumped on, and otherwise ill-treated. Several of the party said

deponent "would not fetch his life away."

Michael Dillon, one of the bailiffs, deposed that when the attacking party broke into the house they ordered the bailiffs to leave. Donohue said they would go, but two men, whom witness identified as Thomas Slattery and John Stapleton, cocked their guns, and, presenting them at his breast, swore by their God that they did not want him to go, but to stop in the corner. Five or six of the men had guns; about an equal number had small pieces, either pistols or blunderbusses; the candle was out when the party entered; the men carried sheafs of corn, which they lighted in the fire and placed burning in the centre of the floor; the men had blackened faces; Thomas Slattery had a small veil over the lower portion of his face; John Slattery had a gun in his hand when he entered the house, but he exchanged it for a long iron stick (produced), with a bent end a couple of inches long, and having a knob on the extremity; with it he struck Donohue on the body and on each side of the head; the party then gathered round Donohue and maltreated him till his roars could have been heard a quarter of a mile away: John Slattery, John Daven. Michael Slattery, and Stapleton were also there; witness and the other bailiffs were in their shirts and trousers when the house was entered, and the attacking party took all the other clothing in the house, and burned it in the fire, which was burning brightly; a gun was discharged at a bailiff named Sheehan, and he was also struck by the butt of another gun; witness escaped through a window, and after he left he heard shots behind.

# NORTH-EAST WINTER ASSIZES.

THE North-East Winter Assizes for the Counties of Monaghan, Down, Armagh, Antrim, and the County of the Town of Carrickfergus, were opened on Monday, 13th December, 1880.

Mr. Justice Lawson, in charging the Grand Jury, said:—

The cases to go before you on the present occasion are not numerous—altogether about twenty-seven, and very few require any special observations from me. There are about seven cases of manslaughter, and I am sorry to say that several of them are occasioned by furious driving in the streets of Belfast and Bally-macarrett. That is a thing that really ought to be put a stop to. I know in Dublin we suffer very severely from it, and I should be sorry to see the system of furious driving introduced into the town of Belfast, for it can only lead to endangering the lives of her Majesty's subjects. There is only one case among the twenty-seven of what I would call an agrarian character. That is a charge against the two men for assailing a dwelling-house with a view of intimidating the owner.

# CONDITION OF THE COUNTRY.

If there was nothing more under the surface I should be justified, when addressing you, in stating that the existence of only twenty-seven cases for trial at this Winter Assizes in these considerable counties would have furnished very satisfactory evidence

that these counties were in a peaceable and satisfactory condition. But, gentlemen, I wish very sincerely that my observations on the present occasion could, with propriety, be closed here. It is impossible, however, that, consistently with my duty I could do I think it is the bounden duty of every judge, and I have always followed that most carefully, to avoid making political allusion whatever from the Bench, and that I wish to follow on the present occasion. So far from it being my desire that any observation which, in the course of my duty, I may think it right to make should have the effect of embarrassing those in charge of the conduct of the affairs at present in this distracted country, my desire is that they should have the exactly opposite effect, and that they will be calculated to strengthen the hands of those who are anxious for the restoration of the reign of law and order in this unhappy country of ours. It is thus the duty of every judge to look over the calendar of what I may call undetected crime, because it furnishes a much more reliable, and very safe criterion as to the effective administration of the law and as to the condition of the country.

# CONSTABULARY RETURNS.

And, looking over the constabulary returns, which I have done with the greatest care, I am sorry publicly to be obliged to state, and to state on this occasion, that the clear conclusion which I have arrived at is this, that the system of intimidation which is so long prevailing in the Southern and Western counties of Ireland is gradually but surely making itself felt in this great Northern province. On looking over this list I have been astonished at the number of cases of threatening notices, notices threatening to murder, and other acts of this kind which are presented in it. Now, I take especially the County of Armagh, and the County of Down, and in the County of Down, according to the return made to me, there have been no less than eleven cases of sending letters of threatening to murder since the last assizes. Now, I have known the county Down for a great many years, and have very often sat there, and I never remember

any condition of things like that. There are two other threatening notices of a similar kind, and evidently of an agrarian character. In the County Armagh I find two cases of sending letters threatening to murder, and of agrarian character, and seven other threatening notices and cases of resisting legal processes. The County Antrim is not at all so unfavourably situated. In the town of Carrickfergus there is one case of sending a letter threatening to murder, but it is supposed to be connected with a similar case in the County Down. In the County Antrim there are two cases of sending threatening letters to murder, two cases of wilful burning, and one case of intimidation by firing a shot.

#### THREATENING LETTERS.

Now, many of the letters—threatening letters—are written with a view either to threaten agents or otherwise endeavour to intimidate those whose duty it is to enforce the payment of rents, or to threaten tenants who have been suspected of the crime—for it has now become a crime, I am sorry to say—who have been suspected of the crime of either paying or intending to pay their rents, and though I always have looked on the Northern Province as a loyal province, and as one of the safeguards of the Constitution of this country, we must make allowance for the infirmities of human nature, and it would be hard indeed to expect that a Northern farmer, however well disposed, however loyally inclined he may be, should not reason with himself, "Why am I to pay my rent and fulfil my obligations when those in the South and West are successfully evading the payment of these obligations?" And that is the state of things at present existing, and which will, no doubt, increase from time to time unless it is checked by a strong hand of the Executive Government. That is the conclusion at which I have arrived, that this same state of things which prevails in other districts, has now set in in this Northern Province, and shews a tendency to increase from time to time. cannot but contemplate such a state of things with feelings of alarm. I have known this country now for nearly half a century, and never in the course of that experience do I remember any state of things at all parallel to that which is now existing.

#### INTIMIDATION.

A system of intimidation on a large scale, perfectly unconcealed and openly avowed, is practised, and those concerned in the administration of the law, from the very judge on the bench down to the bailiff serving an ejectment process, are all sought to be made subject to this system of intimidation. I saw the other day a case of a gentleman attorney, in Limerick, that has often practised before me, a most respectable gentleman, and I have no reason to doubt that the incident reported in all the papers was not faithfully reported—that this man, in the discharge of his professional duties, went out to defend a prisoner charged with the offence of firing at another man. We have always considered that everyone in this country engaged in the defence of a prisoner was entitled to peculiar consideration, but it appears that this attorney, because he undertook the defence of a man charged with firing at another, and because that man happened to be a gamekeeper, was set upon, assaulted in the street, had to fly for protection, and had to make an apology to those miscreants who so attacked him, and was compelled to declare that he would never act so again. Is that a state of things to be tolerated? I should be glad to know are all the people of the sister countries, all the people of England, awarebecause, if not, it is high time they should be-that while you and I are here administering law under the Queen's commission, there is at the same time another system of law being openly executed and carried out, which threatens to supersede altogether the operations of Her Majesty's courts of justice.

I read this morning in a Belfast paper, and I venture on reading it intentionally to you in order that it may travel on the wings of the Press that such a state of things prevails in this country—I read that at a meeting in Limerick cer-

tain persons resolved themselves into a court for the relief of evicted tenants, and disposed of about a dozen cases of the usual description. Among them was one of a novel and important character. Robert Hunt, a bailiff, residing in the locality, was indicted for having, on several occasions, served legal writs on the tenants of Mr. Thomas Saunders, J.P., Saunder's Park, The bailiff was called several times, but there Charleville. was no appearance. It was then stated by one of the members that Mr. Hunt had allowed judgment to go by default, the culprit to avoid the popular indignation having fled to America, leaving a written apology behind him. The following resolution was subsequently unanimously agreed to as a warning to all who would follow in the wake of Hunt, who had voluntarily hunted himself from his home and people. Resolved-"That we endorse the sentence of expatriation by which Mr. Robert Hunt has voluntarily isolated himself (I do not understand the application of the word 'isolated,' but we all may well understand the meaning) for having undertaken the infamous task of serving writs on the tenants of Mr. Thomas Saunders, J.P., of New Pallas celebrity; that we want words to express our loathing of anyone who assists the oppressors of the tenants, and that by leaving his country Hunt has only forestalled the popular judgment, so we warn him not to return and face the just indignation of the people which would impose on him a second exile." I can hardly suppose that this is an imaginary thing or a fabrication. It is given in the most circumstantial detail, and if not true would be contradicted. We have here a court established in this county for the purpose of indicting and punishing persons engaged in serving the ordinary processes of the law. If such things were tolerated is it any wonder that the life of a bailiff should be of no account? Is it any wonder that we should read in the papers continually of these unfortunate men being taken out of their houses and subjected to barbarous cruelties, the very recital of which is enough to make the blood run cold? And these men know very well, if they are moving in the right direction, according to their views, that they will paralyse altogether the arm of the law if they can succeed in intimidating those whose duty it is to carry decrees into execution by serving writs out of her Majesty's Court.

#### CONCLUDING REMARKS.

It is not for me to say what is the remedy for this sad state of things. I have nothing to do with that; it is sufficient for me to say that it must be apparent to you and to every man of common sense that the ordinary remedies of the law are totally inadequate to cope with the things I have described. I hope that the reign of law and order will ultimately be restored in this country. The people of England are slow to move, but, believe me, when they do move there slumbers in the arm of England a giant's strength, which could in a very short time put an end to the proceedings of this disgraceful conspiracy against law and order in this country. I am only saying this, gentlemen, from a sense of public duty, and I am only echoing, in a lesser degree, the observations of my brother judges who are carrying on the Winter Assizes in other parts of the country; and I feel specially bound to do so with a view of indicating to you the danger and apprehension which now exists that this province, which has been so loyal and so law-abiding, may be soon brought to the level of other parts of this country which are less fortunately circumstanced. I commend, gentlemen, these observations to your consideration.

The Grand Jury then retired.

### NORTH EAST WINTER ASSIZES.

### FIRST DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Concealment of	2	Manslaughter.
1	birth.	1	Larceny.
1	Burglary. Riot and Unlawful Assembly.		i de la compania del compania del compania de la compania del compania

### SECOND DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Murder.		
1	Offering base coin.		
1	Manslaughter.		

### THIRD DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
		1	Murder.

### FOURTH DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Robbery.		
1	Riot.		

### NORTH-WESTERN ASSIZES.

THE Right Honorable Justice Lawson opened the North-Western Assizes, at Omagh, on the 7th December, 1880.

#### FIRST DAY.

convictions.	Firing at Mr. Dud- geon aland agent.	ACQUITTALS.	CHARGES.  Firing with intent to kill.  Murder by a lunatic.
--------------	---	-------------	---

#### SECOND DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
2	Homicide. Riot and attack-	1	Whiteboy intimidation (see Note).

Note.—In this case Mr. Irvine, Crown Counsel, dwelt very strongly on the state of the country, and said that the hitherto peaceful peninsula of Innishowen was in a state of terrorism wholly unknown before the date that saw the establishment of a branch of the Land League in that part of Donegal.

#### THIRD DAY.

CONVICTIONS.	CRIMES.	ACQUITTALS.	CHARGES.
1	Riot at Dungannon		
1	Forgery.		

#### FOURTH DAY.

David Graham was arraigned for the wilful murder of James Mulholland, and the assizes were adjourned until 5th January.

### APPENDIX.

#### APPENDIX A.

The following correspondence between Mr. Boycott and Mr. Gladstone appeared in the Morning Post of December 18th, 1880:—

"FROM MR. BOYCOTT TO MR. GLADSTONE."

December 8th, 1880.

"SIR—About thirty years ago I settled in the West of Ireland, relying upon the assurances which were then held out to English settlers that the land laws were simplified, and that capital might safely be invested in that country. For many years I lived in the Island of Achill, and after a long struggle against adverse circumstances, my means improved, and for that district I became a prosperous man. Family circumstances placed me subsequently in possession of further capital, and I took a thirty years' lease of a farm at Lough Mask, in the County of Mayo, under Lord Erne. Subsequently I became agent for his lordship and a few other proprietors, and laid out the whole of my capital, amounting to f 6,000, on permanently improving and stocking my land. In the course of my duties as agent to Lord Erne I was compelled to serve ejectment notices upon some tenants who could but would not pay their rents, and for this act I was denounced by the Land League; my farm servants were terrorised into quitting my employment, and my own life was only protected by the presence of armed policemen. It will be unnecessary for me to do more than refer to subsequent occurrences. You are, doubtless, sir, aware that the Government despatched into Mayo a large force of soldiers and police to protect fifty labourers from the North of Ireland, who voluntarily saved a portion of my crops. My object is to state to you my present condition. When the military were withdrawn I was compelled to leave with them. Had I not done so, my life would not have been safe for an hour, and so great is the power of the Land League, that even in Dublin the landlord of the hotel where I

stopped declined to allow me to remain more than twenty-fours in the house, as he was threatened if he ventured to harbour me. Under such circumstances it follows that my property in Mayo is rendered utterly valueless to me. I left a caretaker on the place, but know nothing of what has since occurred. My house is full of furniture which I cannot remove; my sheep and cattle are sufficiently tended on two farms, and on the others have been driven away, and the land is lying waste. Before I left hardly a night passed without some injury being done walls were thrown down, gates had their locks broken, and every other havoc was done which the people could commit. I learn also from the public prints that the hay has been carried away and made use of by those who stole it since I left my house. The circumstances which compelled me to leave Mayo prevent my return. There is an absolute absence of law there, and if I ventured back it would be to find the same system which drove me out still in force, and I should be unable to pursue my business or protect my property. Such is a plain statement of the facts, and I venture to think they entitle me to assistance at the hands of Her Majesty's Government. I have been prevented from pursuing my business peaceably. Where my property has not been stolen, it has been maliciously wasted, and my life has been in hourly peril for many months. At length, in defiance of all law and order, I have been driven from my house, and, having done no evil, find myself a ruined man because the law as administered has not protected me. I am prepared to verify all my statements and prove the extent of my losses, and in respectfully drawing your attention to the facts I beg to inquire of you whether you can give me any assurance that the Government will investigate them and assist me if they find my statements are correct?—I am, sir, your obedient servant,

"С. С. Воусотт."

#### MR. GLADSTONE'S REPLY TO MR. BOYCOTT.

10, Downing-street, December 14th, 1880.

"SIR—Mr. Gladstone has received your letter of the 8th inst., and in reply desires me to say that he is not sure in what way he is to understand your request for assistance from Her Majesty's Government. It has been very largely afforded you in the use of the police force. Beyond this it is the duty of the Government to use its best exertions in the enforcement of

the existing law, which they are endeavouring to effect through the courts, and by asking, when necessary, the assistance of the Legislature to amend or enlarge the law—a matter of much importance on which you can only receive information together with the public generally.

"I am, Sir, your obedient Servant,

" HORACE SEYMOUR.

"C. C. Boycott, Esq."

MR. BOYCOTT'S ANSWER TO MR. GLADSTONE.

"December 16.

"SIR—I beg to acknowledge the letter of the 14 inst., which Mr. Horace Seymour addressed to me by your instructions. I regret my meaning should be doubted. My intention was to state I had lost f 6,000 and to ask whether Her Majesty's Government would refund it to any, and, if so, what extent. It is a mistake to think I was largely assisted by "police force." I was in communication with the Irish Executive, and asked them to protect twelve labourers who would have come to my farm by routes indicated and done all I required; instead of this an army was sent into Mayo, not to assist me, but to preserve the public peace. I have no interest, Sir, in prospective alterations in the law. They will neither restore my property nor protect my life; and I deeply regret that Her Majesty's Government, having failed to protect will do nothing to compensate me.

"I am, Sir, your obedient Servant,

"С. С. Воусотт."

#### APPENDIX B.

THE CULLOHILL MEETING.

The following is a copy of the placard calling the land meeting at Cullohill, Queen's County, on Sunday, December 19th, upon which the Lord Lieutenant of Ireland based his proclamation prohibiting the meeting:—

"MONSTER INDIGNATION MEETING AT CULLOHILL, DURROW, 19TH DECEMBER, AT 1 O'CLOCK. TRAINS WILL RUN TO SUIT.

"The trusted members of the Irish party, with Davitt and Boyton, will be on the ground to lift their voices in solemn protest to heaven against the most cruel and fiendish injustice ever perpetrated against the children of the soil since Saxon first set his foot upon our shores—an unheard of brutality. Seventynine tenants, wives, children, and labourers perishing in the ditches of Ballykeally, victims of bankruptcy, hurled at their unoffending heads by a parson landlord and brother-inlaw, Bob Owen, of Belmont.

"English justice offers rewards of  $f_2$ ,000 for the conviction of the poor wretches who, fired by the wild justice of revenge, take the law into their own hands and destroy a Scully, a Leitrim, or a Mountmorres; but what does English justice offer the oppressed tenantry of Ireland to shield them against the tyrant who would leave seventy-nine human creatures to pine away by the slow death of hunger in the frozen dykes of

Ballykeally?

"Take Notice—This is the first time in the whole history of landlord villainy and despotism that this summary and fiendish ruin by bankruptcy has been attempted on the tiller of the soil. It is simple vengeance—simple annihilation. If once submitted to or tolerated for an instant, it will become a standing precedent for all future tyrants; it will be the facile machinery to work extermination against thousands and thousands throughout the land.

"Men of Kilkenny and Queen's County, pour into Cullohill on Sunday, 19th, in a stream of national and indignant determination, where the burning eloquence of the great Irish leaders, your trusted friends in need, will assemble the meeting, great in its significance and great in its result. There is a voice of thunder that will awaken the whole of Ireland; record your protest against 'Bob's ideas of justice between landlord and tenant.' Crush at the very onset the most fiendish blow ever yet levelled at a down-trodden, rack-rented, and impoverished people. Rise in the power and numbers of the strength of your manhood.

"This will be the 'Sole,' the 'Awl,' the 'End,' and the 'Last' of the jobs cobbled by such journeymen for respectable farmers.

"The Land for the People. "God Save Ireland."

The Government proclamation was as follows:—

"By the Lord Lieutenant-General and General Governor of Ireland.

#### "A PROCLAMATION.

"COWPER-

"Whereas it has been represented to us that certain inflammatory placards have been posted in the neighbourhood of Cullohill, near Durrow, in the Queen's County, and calling upon persons in large numbers to meet and assemble there on Sunday, the 19th December inst.

"And whereas the said meeting or assemblage has been called together for the purpose of denouncing and intimidating certain of her Majesty's subjects named or described in the said placards, and deterring them from exercising their lawful

rights;

"And whereas we have reason to believe that such meeting or assemblage would, if permitted, be unlawful, as calculated to expose her Majesty's said subjects to violence and injury to their persons and property, and to excite ill-feeling and animosity among her Majesty's subjects, and to endanger the peace of our Lady the Queen;

"Now, we, the Lord Lieutenant-General and General Governor of Ireland, do hereby prohibit said meeting or assemblage, and do strictly caution and forewarn all persons whomsoever that they do abstain from taking part in or en-

couraging or inciting to the same.

"And we do hereby give notice that if, in defiance of this proclamation, any such meeting or assemblage shall be attempted, or take place, the same will be prevented; and all persons attempting to take part in or encouraging or inciting thereto,

will be proceeded against according to law.

"And we do hereby order and enjoin all magistrates and officers entrusted with the preservation of the public peace, and all others whom it may concern, to aid and assist in the due and proper execution of the law in preventing said meeting or assemblage as aforesaid, and in the effectual dispersion and

Any meeting assembled under such circumstances as, according to the opinion of rational and firm men, are likely to produce danger to the tranquility and peace of the neighbourhood, is an unlawful assembly.—Baron

Any meeting, whatsoever, of great numbers of people, with such circumstances of terror as cannot but endanger the public peace, and raise fears and jealousies among the King's subjects, seems properly to be called an unlawful assembly .- Hawkins's Pleas of the Crown.

<sup>\*</sup> An unlawful assembly is when three or more do assemble themselves together to do an unlawful act, as to pull down enclosures, to destroy a warren, or the game therein; and part without doing it, or making any motion towards it.—Blackstone.

suppression of the same, and in the detection and prosecution of those who, after this notice, shall offend in the respects aforesaid.

"Given at her Majesty's Castle, Dublin, this 18th day of December, 1880.

"By his Excellency's command,

"W. E. FORSTER.

"God save the Queen."

"By the Lord Lieutenant-General and General Governor of Ireland.

"A PROCLAMATION.

" COWPER-

"Whereas, it has been represented to us that certain placards have been posted in the neighbourhood of Drogheda, in the county of Louth, calling upon persons to meet and assem-

ble there on Sunday, 2nd January, 1881.

"And whereas, from information on Oath which has been laid before us, we have reason to believe that the said meeting or assemblage has been called together for the purpose of denouncing and intimidating certain of Her Majesty's Subjects in the neighbourhood aforesaid, and deterring them from the exercise of their lawful rights.

"And whereas we have reason to believe that such meeting or assemblage would, if permitted, be unlawful, as calculated to expose Her Majesty's said subjects to violence and injury to their persons and property, and to excite ill feeling and animosity among Her Majesty's subjects, and to endanger the

peace of our Lady the Queen.

"Now, We, the Lord Lieutenant-General and General Governor of Ireland, do hereby prohibit such meeting or assemblage, and do strictly caution and forewarn all persons whomsoever that they do abstain from taking part in or encouraging or inciting to the same.

"And we do hereby give notice, that if, in defiance of this our Proclamation, any such meeting or assemblage shall be attempted or take place, the same will be prevented, and all persons attempting to take part in or encouraging the same, or inciting thereto, will be proceeded against according to law.

"And we do hereby order and enjoin all Magistrates and Officers intrusted with the preservation of the public peace, and all others whom it may concern, to aid and assist in the due and proper execution of the law in preventing any such meeting or assemblage as aforesaid, and in the effectual dispersion and suppression of the same, and in the detection and prosecution of those who after this notice shall offend in any of the respects aforesaid.

"Given at Her Majesty's Castle of Dublin, this 31st day of December, 1880.

"By His Excellency's command,

"T. H. BURKE.

"God save the Queen."

"By the Lord Lieutenant-General and General Governor of Ireland.

#### "A PROCLAMATION.

"COWPER-

"Whereas it has been represented to us that placards have been posted in the neighbourhood of Clondalkin, in the county of Dublin, inciting and calling upon persons in the city of Dublin in numbers to meet and assemble there on Sunday, 2nd

January, 1881.

"And whereas we have reason to believe that the said meeting or assemblage has been called together for the purpose of interfering with the due administration of the Law and the fair and impartial trial of a certain cause now depending and at hearing in Her Majesty's High Court of Justice, in the city of Dublin aforesaid.

"And whereas we have also reason to believe that such meeting or assemblage would, if permitted, be unlawful, as calculated to interfere with the due administration of the law and the fair

and impartial trial of the said cause.

"Now, we, the Lord Lieutenant-General and General Governor of Ireland, do hereby prohibit such meeting or assemblage, and do strictly caution and forewarn all persons whomsoever that they do abstain from taking part in or encouraging or inciting to the same.

"And we do hereby give notice, that if, in defiance of this our proclamation, any such meeting or assemblage shall be attempted or take place, the same will be prevented, and all persons attempting to take part in or encouraging the same, or inciting thereto, will be proceeded against according to law.

"And we do hereby order and enjoin all magistrates and officers intrusted with the preservation of the public peace, and all others whom it may concern, to aid and assist in the due

and proper execution of the law in preventing any such meeting or assemblage as aforesaid, and in the effectual dispersion and suppression of the same, and in the detection and prosecution of those who after this notice shall offend in any of the respects aforesaid.

"Given at Her Majesty's Castle of Dublin, this 31st day of

December, 1880.

"By His Excellency's command,

"T. H. BURKE.

"God save the Queen."

"By the Lord Lieutenant-General and General Governor of Ireland.

#### "A PROCLAMATION.

"COWPER-

"Whereas it has been represented to us that persons have been incited and called upon to meet and assemble together in large numbers at Kanturk, in the county of Cork, on Sunday, and January, 1881.

"And whereas, it has been also represented to us, that the said meeting or assemblage has been called together for the purpose of denouncing and intimidating certain of Her Majesty's subjects, and deterring them from exercising their lawful rights.

"And whereas we have reason to believe that such meeting or assemblage would, if permitted, be unlawful, as calculated to expose Her Majesty's said subjects to violence and injury to their persons and property, and to excite ill feeling and animosity among Her Majesty's subjects, and to endanger the peace of our Lady the Queen.

"Now we, the Lord Lieutenant-General and General Governor of Ireland, do hereby prohibit such meeting or assemblage, and do strictly caution and forewarn all persons whomsoever that they do abstain from taking part in or en-

couraging or inciting to the same.

"And we do hereby give notice, that if, in defiance of this our Proclamation, any such meeting or assemblage shall be attempted or take place, the same will be prevented, and all persons attempting to take part in or encouraging the same or inciting thereto will be proceeded against according to law.

"And we do hereby order and enjoin all Magistrates and Officers intrusted with the preservation of the public peace, and

all others whom it may concern, to aid and assist in the due and proper execution of the law in preventing any such meeting or assemblage as aforesaid, and in the effectual dispersion and suppression of the same, and in the detection and prosecution of those who, after this notice, shall offend in the respects aforesaid.

"Given at Her Majesty's Castle of Dublin, this 31st day of December, 1880.

"By His Excellency's command,

"T. H. BURKE.

"God save the Queen."

#### APPENDIX C.

THE GIBBINGS CORRESPONDENCE.

The following correspondence between Dr. Gibbings, D.D., T.C.D., and the Irish Executive arose upon a Statutory Declaration filed by Dr. Gibbings as to the state of anarchy in Mayo, and the consequent effect upon his property in that county. The Statutory Declaration disclosed the following facts:

Dr. Gibbings purchased in the Landed Estates Court, in 1861, an estate in the County Mayo, subject, as to a portion of it, to a lease for forty-one years in favour of one James Hunter. Owing to some disputes with his neighbours, Hunter was murdered. His widow remained in possession of the lands, which included a tract of mountain held under the lease, until last October, when she surrendered them to Dr. Gibbings. When Dr. Gibbings's bailiff attempted to take possession of the farm and land he was mobbed, intimidated, and prevented from fulfilling his duty. Since then, without risk of life, it has been found impossible to re-take possession of the mountain pasturage and lands of the farm in question. Cattle from the neighbourhood graze over it, and Dr. Gibbings alleges emphatically that

he is unable to take any means whereby he can acquire the peaceable possession of his property without exposing his employees to serious risk of losing their lives, or of bringing about a breach of the peace. Such being the state of affairs, Dr. Gibbings applied to Government for assistance, with the following result:—

Dublin Castle,

10th December, 1880.

SIR—I am directed by the Lord Lieutenant to acknowledge the receipt of your further letter of the 8th inst., and to state that inquiries are being made into the case referred to.

I am to request that you will be good enough to state whether the tenants referred to in your declaration have claimed, or do claim, a right of pasturage on Hunter's farm, and also whether you have ever obtained legal advice as to your civil

rights, or sought to enforce them.

I am, Sir, your obedient Servant,

T. H. BURKE.

The Rev. R. Gibbings, D.D., Trinity College.

6, Trinity College,

December 13th, 1880.

SIR—I have the honor to acknowledge the receipt of your letter, of 10th inst., and in reply to the queries therein contained, I must, in the first instance, express my surprise that, after the very full information already supplied by me to the Government, it should have been considered necessary, when every day's delay is of such serious importance, to ask questions, the answers to which are apparent on the face of my solemn declaration. However, in reply, I now beg to say—1st, that the tenants referred to by me, have never claimed, nor do they now claim, any rights of pasturage over Hunter's farm. Before Hunter got possession, the farm was in the hands of the then landlord, Mr. Henry Smith, from whom I purchased in the

Encumbered Estates Court in the year 1861. Hunter was originally chief herd or shepherd to Captain Houston, on another estate, and he got possession of this farm directly from Mr. Smith, along with about an equal quantity of land, also held directly from Mr. Smith, and recently surrendered by Hunter's representation to R. Vesey Stoney, Esq., J.P., who is now the owner of that part of Mr. Smith's estate. Hunter got possession of the entire of these two farms, under one lease, from the year 1856, and no claim was ever put forward by these tenants of mine to such grazing during the time of the Hunters. James Hunter, himself, was shot on account of a dispute about turf bog and rights of turbary, but not on account of any dispute as

to supposed rights of grazing.

With regard to your second question, it seems to me to be an extraordinary thing to ask a landlord whether he has taken legal advice as to his civil rights, including I suppose under such term the right to retain, in his own hands, lands which have been peaceably surrendered to him by a tenant who has now left this country. However, in reply to such a question, I beg to state that I have taken all necessary legal advice on the subject. I have further taken steps to enforce those rights, so far as it was possible to do so, in the existing state of the country. But at present, as must be perfectly well known to the Government, such lawlessness prevails, that no legal Process, nor even a Summons, can be served on anyone in that district, without great danger to life. When my bailiff attempted to remove the trespassing cattle from my lands, he was forcibly driven off the ground by about forty persons, and was warned with threats not to come there again. At the same time, the house of my herd, who had charge of another portion of the farm, was burned to the ground. For a considerable time past, I have had Decrees for rent against some of my tenants in the hands of the Sub-sheriff, but he has refused to execute them, owing to the state of the country, and the almost certain loss of life which would ensue were he to try to do so.

When I first brought this matter under your consideration, these men had invaded only one townland, of about 1,300 acres, and that the least valuable one, and I then warned you, that if not at once checked, they would soon go further. My prediction has been verified, for during the interval of delay which has been permitted, they, observing that no law existed in that district, have further invaded more valuable townlands, consisting of about 2,000 acres, on one of which townlands Hunter's Home

Farm is situate.

This is not a case of tenants retaking farms from which they had been evicted, nor of their proceeding in the assertion of any supposed rights, or acting under even an imagination of such rights; but it is a case of pure and simple invasion of my property, such as would not be tolerated in any civilized community in the world. I have therefore, in conclusion only to reiterate my request that the Government will take such steps as may be necessary to put me into quiet possession of my property, and to put an end to the reign of terror which there exists, and which has deprived me, for the present, of that property, and prevented me from enjoying the ordinary rights of a citizen.

I have the honor to remain, Sir,

Your obedient Servant,

R. GIBBINGS, D.D.

To the Under-Secretary for Ireland, T. H. Burke, Esq.

Dublin Castle,

18th December, 1880.

SIR—I am directed by the Lord Lieutenant to acknowledge the receipt of your further letter of the 13th instant, and to inform you that the Attorney-General has directed the persons referred to in your Statutory Declaration of the 27th ultimo to be prosecuted.

I am to add that the Sessional Crown Solicitor for the County of Mayo has been directed to conduct the prosecution.

I am, Sir, your obedient Servant,

T. H. BURKE.

The Rev. R. Gibbings, D.D., 6 Trinity College.

6 Trinity College,

December 20th, 1880.

To Thomas H. Burke, Esq., Under Secretary, The Castle, Dublin.

SIR—I have the honour to acknowledge the receipt of your letter of the 18th inst., in which you have informed me that

"the Attorney-General has directed the persons referred to in my Statutory Declaration of the 27th ult. to be prosecuted;" and that "the Sessional Crown Solicitor for the County of Mayo has been directed to conduct the prosecution."

However necessary and desirable the course indicated may be, I fail to see that it affords me any remedy or redress, or

tends to restore me to the possession of my property.

My land has been openly invaded, and daringly held possession of for the last two months, by parties who rely on their own power, and the terror which supports them, and on the utter anarchy which prevails.

My rights as a citizen have been violently invaded by those who allege or suggest no claim, except that founded on force, and on the impotence of the Law which should be my protec-

tion.

There is no legal question. If I should bring an Ejectment, or take civil proceedings, I should merely establish what is not controverted—my absolute legal right to the possession; and it would be as impossible for me then as it is now, by my own efforts as a citizen, to dispossess the invaders.

I should, therefore, feel obliged by your letting me know what steps, if any, are contemplated by the Executive to restore

to me the possession of my property.

I remain, Sir, your obedient Servant,

R. GIBBINGS, D.D.

### Dublin Castle,

29th December, 1880.

SIR—I am directed by the Lord Lieutenant to acquaint you, in reference to your letter of the 24th instant and previous correspondence, that His Excellency caused detailed instructions to be issued on the 18th instant to the Constabulary for the protection of your bailiff and the identification of trespassers by them, and they were further directed to give information as to the names of trespassers to the agent or manager, and, if a number of trespassers acted in a riotous and disorderly manner, to disperse them if the facts justified it, and swear informations against them for a riot or an unlawful assembly.

His Excellency is informed by the Local Constabulary that the owners of the cattle now trespassing on your property are well known to your bailiff, and that if the offenders were summoned in the ordinary way before the magistrates for wilful trespass, such trespass could be prevented, and that they (the Constabulary) have repeatedly instructed the bailiff how to act.

His Excellency has now issued further directions to the Constabulary to assist your bailiff and servants in driving off all trespassing cattle, and in preventing, as far as possible, any

repetition of the trespass.

His Excellency is further prepared, if you desire and authorize it, to direct a party of police to remain on the lands and prevent any trespass by preventing cattle being driven in, and to require trespassers to leave; and if they refuse, either remove them, if in sufficient strength for the purpose, or have them summoned to Sessions and punished under Summary Jurisdiction Act.

I am, Sir, your obedient Servant,

T. H. BURKE.

The Reverend R. Gibbings, D.D., Trinity College.

6, Trinity College,

December 31st, 1880.

To Thomas H. Burke, Esq., Under-Secretary, The Castle, Dublin.

SIR—I have the honour to acknowledge the receipt of your letter of the 29th inst., and am glad to find that in the last paragraph of it there is contained an offer which, if made at the beginning, instead of at the end, of your correspondence, might have tended to arrest the prevailing anarchy in the West of Ireland.

Summonses "in the ordinary way," referred to in the earlier part of your letter, would be utterly impracticable and worthless.

I at once give the authority asked for; and trust that the Police will now be directed—in sufficient strength for the purpose—to remain on the lands, to prevent a continuance of the trespass, and to require the trespassers forthwith to leave the place, and, in the event of their refusal to do so, to remove them without delay.

I remain, Sir, your obedient Servant,

### IRISH AGITATION.

- I. LAND LEAGUE SPEECHES
- II. AGRARIAN CRIME
- III. OPINIONS OF PUBLIC MEN

DECEMBER, 1880.

DUBLIN:
HODGES, FIGGIS, & CO.,
104, GRAFTON STREET.

GREEN PAR LIBERTY

### IRISH AGITATION.

### I.—LAND LEAGUE SPEECHES.

Immediately after Parliament rose, Mr. Parnell, and such of his followers as belonged to the Land League, commenced an Autumnal Campaign of agitation, which grew more and more violent every week, gathered strength and support day by day, and which continues to increase with unabated vigour unto the present moment. In order that the public may have some idea of the spirit in which the anti-rent agitation has been conducted, we publish a continuous series of extracts from the speeches of the principal leaders and chiefs of the Land League, from September 19th to December 6th. No comment is necessary. The language used shows plainly the ultimate aim and objects of the agitation.

Mr. Parnell, M.P., at Ennis, on 19th September, opened the Autumn agitations, and gave the

following advice to the people of Clare:-

"Depend upon it that the measure of the Land Bill of next session will be the measure of your activity and energy this Winter—it will be the measure of your determination not to pay unjust rents—it will be the measure of your determination to keep a firm grip of your homesteads. It will be the measure of your determination not to bid for farms from which others have been evicted, and to use the strong force of public opinion to deter any unjust men amongst yourselves—and there are many such—from bidding for such farms. If you refuse to pay unjust rents, if you refuse to take farms from which others have been evicted, the land question must be settled, and settled in a way that will be satisfactory to you. It depends, therefore, upon yourselves, and not upon any commission

or any Government. When you have made this question ripe for settlement, then, and not till then, will it be settled. It is very nearly ripe already in many parts of Ireland. It is ripe in Mayo, Galway, Roscommon, Sligo, and portions of the county Cork. But I regret to say that the tenant-farmers of the county Clare have been backward in organisation up to the present time. You must take and band yourselves together in Land Leagues. Every town and village must have its own branch. You must know the circumstances of the holdings and of the tenures of the district over which the League has jurisdiction-you must see that the principles of the Land League are inculcated, and when you have done this in Clare, then Clare will take her rank with the other active counties, and you will be included in the next Land Bill brought forward by the Government. Now, what are you to do to a tenant who bids for a farm from which another tenant has been evicted?

Several voices-Shoot him.

Mr. Parnell—I think I heard somebody say shoot him. I wish to point out to you a very much better way—a more Christian and charitable way, which will give the lost man an opportunity of repenting. When a man takes a farm from which another has been evicted you must shun him on the roadside when you meet him—you must shun him in the streets of the town—you must shun him in the shop—you must shun him in the fair-green and in the market place, and even in the place of worship; by leaving him alone, by putting him into a moral Coventry, by isolating him from the rest of his countrymen as if he were the leper of old, you must show him your detestation of the crime he has committed." [1]

Mr. Boyton, Organizing Secretary to the Land League at Cahir, on September 19th, said:—

"There never was a time when the appeal for unity was made with such intensity. The man who was found fighting to-day against the democracy of Ireland was an enemy of the cause of Ireland. When they were able first to achieve their social independence, they might form the rank and file of 250,000 Land Leaguers, select an Irish National Guard, that, with the weapon of freemen slung on their arm, the rifle, might one day fitly take the place of the organisation that a hundred years ago gave Ireland a brief glimpse of liberty."

Mr. Sexton, M.P., at Charleville, Co. Cork, on 26th September, thus laid down the laws of boycotting:—

"Now, the next thing is to pledge yourselves, every one, in one united object of patriotism, that you will not be guilty of

that political sacrilege of taking any farm from which a man has been evicted for non-payment of an unjust rent, or any farm given up by a tenant because he is unable to pay the rent the landlord demanded of him. The Land League never told you you were entitled to do violence to anyone, or to injure person or property; but if there be any amongst you who so far despises the fiat of the public conscience and the decree of the national will as to act against the feeling expressed so unmistakably at the meetings of the people, then you are not under any obligations to exchange with him any of the gracious offices and civilities of civilised life. If such a man will live by means you consider wicked, let him live without you. You may pass him on the roadside without giving him the time of day—in fact, you need not hold any intercourse with him. You may place him in a moral Siberia."

Mr. Parnell, M.P., at Kilkenny, on October 2nd, described the Land League method of procedure thus:—

"As soon as you form yourselves into branches of the Land League, and send us the rentals and the poor law valuation of every tenant-farmer in the county, we will select out of the number for you those holdings which are obviously paying a rackrent, and we will come down and assist those tenants to strike against the payment of further rent to such landlords (cheers). But we wish you to do this in a methodical way; you must organize yourselves; you must collect the information and send it to us; and then we will select a certain number of landlords in this and every other county, and we will call upon the tenants on these estates to refuse to pay any more rent until those rents are permanently reduced; and we will stand by the tenantry in this struggle; we will help you with all the resources at our command; and there are millions of your countrymen and countrywomen in America who will help you also, who will send you money to keep up this struggle as long as you bear yourselves like men."

Mr. Parnell, M.P., at Cork, on Sunday, October 3rd, quoted Mr. Gladstone on the subject of evictions, and drew the following conclusions as to agrarian crime:—

"Mr. Gladstone, in a recent speech of his during the passage of the Compensation for Disturbance Bill through the House,

said that an eviction means a sentence of death, not only for the person evicted, but for his wife and family. Taking the average number in an Irish tenant's family as five, there are no less than 25,000 sentences of death to be pronounced in Ireland before the 1st of January, 1881. (Cries of shame, and several voices, "We won't allow it.") Well, I don't know whether we should be able by our action to reduce this number of sentences of death or not. Recollect, when we hear such feeling and sentimentality about the suffering that has been inflicted by foolish or unreasonable people on the lower animals, and when we hear of the occasional result of appeal to the wild justice of revenge, which has been made in one or two instances during the present year, I think I am bound to point out that if the lives of a few landlords have been taken, on the other side the lives of 25,000 of the people of this country have been taken."

## Mr. Lalor, M.P., at Athy, on October 10th, thus commented on Lord Mountmorres' murder:—

"Their Archbishop that day in his pastoral showed that he appeared to be under the impression that the Land Leagueand he (Mr. Lalor) was a member of it—were advising the people to shed the blood of the landlords. He protested against the Archbishop saddling them with the responsibility of every assassination that took place in the country. Neither he nor anyone else had a right to do it. They spoke in that way because one poor fellow of the name of Mountmorres was shot the other day (groans). He (Mr. Lalor) would not like to be the man that shot Lord Mountmorres at all. He thought it was a very bad act, but was there a fuss made when a poor man In England five murders were committed for was shot? every one that was committed in Ireland, and yet there was no fuss made about the men that killed their wives, their children, and their sweethearts (cheers). But because a man who was killed here happened to have a title to his name a great fuss was made about him. It was very wrong of the Archbishop to have said that this country was steeped in the blood of those men. He (Mr. Lalor) was firmly convinced that but for the Land League there would have been ten murders committed for the one that has occurred since it commenced. What the Land League did was to try to show them another road besides shooting those men, who were not worth shooting. The French people, at the time of their Revolution, took a method of getting rid of their landlords that unfortunately they (the meeting) were unable to take. No, they were not able at present to take the method that they took. He wished they were (cheers). It was not there that he would be then. They must take other methods. The speaker concluded by exhorting his hearers to follow the lead."

## Mr. Sullivan, Secretary to a local branch of the Wicklow Land League, on 17th October, said:—

"In concluding his speech, it was the right of every free man to have a vote and a gun. He advised them to become practised in the use of the gun, but not to make landlords the object of their practice. Let them get swords too, let them be disciplined, and let them march to their meetings, and there was no man dare hinder them, for they had a right to do so."

## At Clonmel, Mr. Leamy, M.P., on October 24th, said:

"The three great obstacles to the national independence of Ireland were the Catholic disabilities until 1829, the Protestant ascendancy until the disestablishment in 1870, and the third and last great obstacle was this foreign system of land tenure. Let them get rid of that obstacle, and then would be the time for willing hands to rear up the stately edifice of Irish independence."

## Mr. Matthew Harris, T.C., Ballinasloe, on Sunday, October 24th, said:—

"When he saw the exterminator carrying out his work—when he saw wrong triumphing over right and justice—he said to himself, and he said it there that day, 'If the tenant farmers of Ireland shoot down landlords as partridges are shot down in September (cheers), Mat Harris never would say one word against it' (cheers). He added—The poorest tenant farmer could advertise that his lands were poisoned (cheers), and thus they would be able to send the Galway Blazers to blazes (cheers)."

## Mr. Parnell, M.P., on Sunday, October 24th, at Galway, made the following declaration:—

"I expressed my belief at the beginning of last session that the present Chief Secretary, who was then all smiles and promises, would not have proceeded very far in the duties of his office before he would have found that he had undertaken an impossible task to govern Ireland, and that the only way to govern Ireland is to allow her to govern herself (cheers). A Voice-A touch of the rifle.

Mr. Parnell—And if they prosecute the leaders of this movement—

A Voice-They dare not.

Mr. Parnell—If they prosecute the leaders of this movement it is not because they want to preserve the lives of one or two landlords. Much the English Government care about the lives of one or two landlords.

A Voice-Nor we.

Another Voice-Away with them.

Mr. Parnell—But it will be because they see that behind this movement lies a more dangerous movement to their hold over Ireland-because they know that if they fail in upholding landlordism here—and they will fail—they have no chance of maintaining it over Ireland-it will be because they know that if they fail in upholding landlordism in Ireland their power to misrule Ireland will go too (cheers). I wish to see the tenant farmers prosperous; but, large and important as is the class of tenant farmers, constituting, as they do, with their wives and families, the majority of the people of this country, I would not have taken off my coat and gone to this work if I had not known that we were laying the foundation in this movement for the regeneration of our legislative independence (cheers). Push on, then, towards this goal, extend your organisation, and let every tenant farmer, while he keeps a firm grip of his holding, recognise also the great truth that he is serving his country and the people at large, and helping to break down English misrule in Ireland."

On the evening of the same day, at Galway, Mr. Parnell, in returning thanks at a dinner for the toast of "The Health of the Irish Abroad," made the following remarks about the Irish-Americans:—

"I pass from this subject of our countrymen abroad with this remark—that I feel convinced that if ever you call upon them in another field and in another way for help, and if you can show them that there is a fair and a good chance of success (enthusiastic cheering), that you will have their assistance—their trained and organised assistance—for the purpose of breaking the yoke which encircles you, just in the same way as you had that assistance last winter to save you from famine."

Mr. Dillon, M.P., speaking on October 26th, at the weekly meeting of the Land League in Dublin, said:— "If the Government break up an organisation of this kin", fill the jails of Ireland with the leaders in whom the people put trust, and who have advised them to pursue a policy of peace, and if the landlords and agents of Ireland then begin to feel the power of the rifle of the assassin, then I say the blood be upon the Government and Mr. Forster, and the insane advisers who have driven them into a policy which may end by making Ireland a very hot place for landlords."

## Mr. Parnell, M.P., at Tipperary, on October 31st, said with regard to the Prosecutions:—

"Put your shoulder to the wheel. Never mind those threatened prosecutions. As long as we are governed from England every agitation is bound to be misrepresented and misunderstood; every politician who comes down and really directs the people the way they ought to go, who really makes a successful movement against an unjust law, must expect to take his place in the dock. That has been the history at all times of constitutional agitation, and the story is just as old as the hills. Irish agitation has always been, and always will be, prosecuted till we get our own Parliament again (loud cheers); and when we have our own Legislature restored to us—when we have to depend, not on the public opinion of the people of England for reform, but on the public opinion and knowledge of their own affairs of the people of Ireland, we will have a natural system of government in the country, and a natural system of land tenure."

## Mr. Dillon, M.P., at Tipperary, on October 31st, said :—

"And now, in conclusion, let me point out to you that this time if you do not pull down landlordism no one will be to blame but the men of Tipperary. You want no leaders to lead you on this path; you know the policy, and you have brains enough, and I hope courage, to carry it out yourselves. Let there be two men to organise each townland. Let them go around and ask each farmer in each townland will he join the League and stand up for his own class. Lay before them at the weekly meetings in your parishes the policy of the League. Stick to your policy, and if the Government begin to arrest, just go on and never mind the arrests. I should hope the county I represent will not be the first to turn back in the struggle. not let yourselves be driven by the bullying of the landlords into what they want, which is this—They want to get an excuse to let the soldiers and police out on the people to get them out of their scrape. Don't let the landlords get you off the path.

If the Government arrest any man, put other men in the place of those arrested, and go on with the work-go on with it until the jails are full, and teach them that no prosecutions will break the spirit of Tipperary; and that if they wish to keep up landlordism in Tipperary they must do it by choking the jails with the people. You ought to have intelligence enough to go on, no matter how many men are arrested; and all I will say in concluding that point is, that as the Government go on arresting, do you go on lowering the rents, because I must say that I do not think it is fair play that the landlords should be allowed to run our men into prison when they themselves are enjoying their full rental. For every man that is put in jail do you knock off a small per-centage of the allowance of rental you are going to pay. Well, with regard to the platform in reference to the land, I think the time has come in Tipperary when we ought, in the name of the Irish National Land League, to proclaim that in this country for this year the people shall pay no more rent than Griffith's valuation and no more."

Mr. Nally, at Shrule, County Mayo, on November 1st, at a meeting under the auspices of the Glencorrib branch of the Land League, said:—

"He was a Land Leaguer and an extreme Nationalist, ready to take the field as soon as he could see the opportunity. The resolution which he had proposed at several meetings was not complied with. He had suggested pills for the purpose of enforcing compliance, but the pills used turned out to be sweet instead of being bitter; but now he would recommend dynamite and gun cotton. He would not, however, tell the meeting to shoot any man, but if they did so he would not blame them. The Whiteboy system was the only check on extermination; and weighing one crime against another—the crime of assassination or agrarian murder, as it is called—the latter evil was the lesser of the two (loud cheers.)"

Mr. Parnell, M.P., at Limerick, on 2nd November, on the subject of National Independence, said:—

"If we, after a reasonable time, and after having been enabled to use those methods which we may desire, and which we deem essential and necessary for the purpose—if we fail by Parliamentary action in Westminster in obtaining the restoration of our Irish Parliament, I should consider it my duty to return to my countrymen to consult with them as to the action which we ought to take, and to decide whether the representatives of Ireland ought any longer to continue parties to the

sham of Parliamentary government, so far as Ireland is concerned, which takes place in Westminster. And if the decision of the country was that we might no longer continue on these lines, it would be the duty of the people of Ireland to direct us as to what lines or method should be adopted under the circumstances."

At Wexford, on November 7th, Mr. Healy, M.P., said:

"He thought that if a material and necessary bill was kicked out by the House of Commons, they should turn round in return and kick the House of Commons. In conclusion, Mr. Healy said that if elected he would work earnestly to forward the best interests of Ireland and Wexford, and that when at some future time he might return to Wexford he hoped they might be able to say something had been done to further the cause towards the grand goal of Irish independence."

Mr. Dillon, M.P., at Killaloe, on 7th November, said:—

"It would have been far better for the Irish people and for the prosperity of the nation if they had sent no man to represent an Irish constituency in the English house of Parliament—if the people of Ireland had refused to send or to trust any man in the British House of Commons, and resolved eighty years ago, as now they did, that they would make a law unto themselves in Ireland, and would not submit to British law. He only required them to follow out the doctrines of the Land League, and they would teach the landlord that not he but the Land League would settle what the rent was to be, and that he should not evict one man until the Land League had given him leave (cheers). . . Let them pledge themselves every man there not to pay in the two counties of Clare and Tipperary one farthing over Griffith's valuation. Let them get every man to join the Land League. Let them send round young men and ask every farmer to join them, and if any refused they would then know who were the friends of the people and who were their enemies. Then let each parish hold a meeting of the executive, and resolve, after consideration, what they should pay,"

The Rev. C. M'Carthy, P.P., Chairman of a Land League meeting, at Knockaderry, on November 7th, made the following remarks upon England:—

"England allowed the Irish to starve in the famine years, when there was food for twelve millions of people in the country.

She was the only country in the world that allowed people to starve with plenty in their midst, and that was one of the reasons why he looked on the English Government as one of the most unjust, the most oppressive, and the most tyrannical in the world (groans). That was why he was a Nationalist. He thought, in fact, that it would be a blessing to humanity at large if England as a nation was blotted from the map of Europe. When the Land question was settled then Ireland should get the purse strings, for as long as England held them she would never be prosperous (hear, hear)—never until the green flag of Irish liberty once more floated on the shattered walls of Limerick."

Mr. Parnell, at Belleek, on 9th November, said:

"Employers can lock the workmen out of their factories and starve them to death, but you have possession of your holdings, which is nine points of the law. Keep the nine points of the law, and in a very short while the Legislature will give you the tenth point. Combine, therefore—organise amongst yourselves. Protect yourselves against the landlord conspiracy which has condemned this country to poverty and degradation. Laugh to scorn the junction of the Government with this landlord conspiracy, stand by your rights, be determined, and depend upon it that the day is not far distant when free land in Ireland will enable your country to be first prosperous, and then free."

Mr. Dillon, M.P., at Thurles, on November 14th, on the subject of the State Prosecutions, gave the following advice to the people:—

"If we are struck at and imprisoned, whom must we hold responsible for that imprisonment? We ought to hold responsible the landlords of Ireland, who have urged on the Government this insane course of coercion; and what will be our duty? Our plain duty and policy will be to inflict a punishment on the landlords of Ireland which will make them repent of their course. The Executive of the Land League will issue orders to the people probably, if this course is determined on, to strike some counterblow at the landlords, and it trusts and hopes the people will be prepared to obey."

The Very Rev. P. J. Canon O'Brien, at Athenry, on 14th November, said:

"This evil demon of landlordism that had been so long

roaming, robbing, rooting in the midst of a fine old Celtic race, working its wretched, woeful way, is doomed and must depart. As sure as the finger of God wrote the impious Belshazzar's condemnation, so sure will the same justice work the destruction of the landlord tyranny amongst us. Let us help God in finishing landlordism and eradicating it from our soil; and let it be cast out, root and branch, body and bones."

## Mr. Thomas Brennan, at Galway, November 15th, said:—

"The landlords were beginning to feel that there was a check on their headlong course. Certainly, if there was justice at this side of the grave, they would be made to feel the weight of all their crimes. The blood of the murdered millions cried to Heaven for vengeance. When he thought to-day upon what landlordism had done, of the houses it had laid desolate, of the hearts it had broken, aye, and the souls it had damned; for where were the many fine innocent Irish girls, once the light of happy homes, whom it had driven to a life of sin—he asked himself what compensation are Irish landlords entitled to? He believed, indeed, that the compensation most Irish landlords were entitled to would be the prison or the rope, for having robbed and murdered the Irish people."

## Mr. Dillon, M.P., at Cashel, November 17th, said:—

"Of course the people of Cashel knew what the word eviction meant, but they had yet to study a branch of the new law, known as 'Boycotting.' When a man was evicted from his holding they would organise a monster meeting on the spot, and gathering from every part of the country, would put a ban on the farm. . . . Boycott was a tyrant, and insulted and wronged the people; and the people under the advice of the Land League, determined to teach him a lesson, and give him a sample of their power, for the benefit of all others whom it might concern."

# Mr. Dillon, M.P., referring to the State Prosecutions, at Ballaghadereen, on November 21st, said:—

"What I would say to the people in reference to the prosecutions and trials, is not to think too much about them. If the Government give us a fair trial we will not be convicted; if the Government, as other Governments before them have done, pack the jury with Orangemen, we will be convicted; but whether we are convicted or not let the people go on with their work. If

we are convicted, what you have to do is to pay no rent next March; and, as I said before, if we are convicted and imprisoned, simply carry on the organisation more vigorously, and work harder at it than ever. I confidently expect that this struggle will go on to the end without bloodshed, without danger; but shame on the Irishman who would be afraid, if the opportunity came, to take his stand by his own, that he should, and hold it by his life (cheers). Let it go forth that the Irish nation, having once ascertained its power and its rights, never shall again allow those rights to be taken from them unless with their life's blood. Prepare for defence, if defence be necessary. Let our policy be defence."

Mr. Davitt, speaking at Ballinamona, County Cork, on November 21st, said:—

"He thought that Mr. Bright, being a conscientious statesman, could be educated into fuller belief in this programme, provided the Land League organisation and the tenant farmers of Ireland made up their minds now and during the coming winter not to accept any half measure or any tinkering legislation on the Irish Land question."

At Parsonstown, King's Co., on Sunday, 21st November, Rev. P. Brennan, C.C., recommended the practice of boycotting in the following terms:—

"The Rev. Patrick Brennan, C.C., said that to some it might appear harsh and un-Christianlike to dissolve all social intercourse with a fellow-being; yet the principle involved in the resolution relied for its justification on the strict lines of equity. What did a man who took the farm from which another had been unjustly evicted? He became the unjust recipient of that which belonged to another by the rights of justice and the natural law. He allowed himself to be used as an instrument in the hands of an unscrupulous, grasping landlord to wring from an unfortunate tenant a return which his farm could not vield. He co-operated with the landlord in plundering from the tenant the fruit of his industry. It was said, 'Can not a landlord do as he likes with his own?' Yes, if it was his own (hear The tenant had created for himself an interest in the soil far greater than the landlord, and of which he could not be deprived against his will without it being an act of spoliation, plunder, and robbery."

Mr. Healy, M.P., at Wexford, November 24th, said:—

"What is that mandate? To give expression on every occasion and in every way to the undying spirit of hostility which animates us all to British domination in Ireland . . . Not the hireling reinforcements of soldiers and police, whose first bit of honest labour since their introduction into this country was helping to dig Boycott's turnips. . . . Meantime, however, the Government have put the leaders of the movement on their trial; and in this Wexford has promptly returned its verdict. We await the answer of the specially selected jury of the Four Courts. . . The landlords and their system are on their trial, and not with the risk of a one or two years' silence but dreading an internal doom . . . The castle playing with loaded dice, might try to pack a jury of true-blue shopkeepers to give them the verdict they required, and if they did—well, we understand 'Boycotting' in Wexford at all events, but I do not know it has yet travelled to the capital."

Mr. Dillon, M.P., at Fethard, on 5th December, said:—

"If this movement is suppressed by force, it is well for the Government to know before they enter upon that course that such a course will leave on the minds of the Irish people a hatred so intense to the name and to the laws of England that nothing but an enormous military force will here compel Irishmen to submit to them (cheers). That if the British Government enter on a policy of coercion—if they attempt to use brute force against the majority of the Irish people to-day, that that course will render the connexion between the two countries an impossibility in the future (loud cheering). I say, furthermore, to the landlords of Ireland, and if this movement is suppressed, that suppression by force and violence will beget in the minds of the people a desperate and bitter hatred to landlordism, and the men who live by it—that the house of every landlord in Ireland will be built over a volcano, and that he cannot tell the hour when that volcano may burst (much cheering), and sweep him and all belonging to him to a far worse fate than that which the National Land League had intended for him."

Mr. Parnell, M.P., at Waterford, on 5th December, said:—

"The prosecutions were undertaken by a Government which knew that it was beaten, which knew that it could do nothing to stay this movement (cheers), and the prosecutions were undertaken by them to pass away the time, to postpone the moment when their disgrace and defeat would be revealed to the world (cheers); and the action of the Government in the conduct of these prosecutions shows that they have attempted to do something else besides—they have attempted in their conduct to conspire against the Irish people and to conspire against the independent Irish party of opposition in Parliament (cheers)—they have attempted to conspire against our right to hold public meetings and to shape public opinion—our action was never directed to anything else, and they have attempted to conspire against the integrity and usefulness of the Irish party by commencing the trials at a moment when it was necessary above all things, that we should be present in Parliament."

Mr. Parnell, M.P., at Waterford, on December 6th, said:—

"I always like to take every opportunity of pressing on the attention of my fellow-countrymen the necessity of taking possession of all the local bodies in this country, beginning with the Corporations and ending with the Poor Law Boards (applause). There is no reason why all these bodies should not be absolutely in the power and control and direction of the people (applause). In a short while we hope to replace the present system of county government by irresponsible grand juries with one which will give full and complete representation to those who pay rates. We shall have in each Irish county a little Parliament (hear, hear), and it will be the duty of the Irish members to insure, when the question of county government comes before the House of Commons, that the people shall be properly and thoroughly represented on these boards, and that full power shall be given to the county boards to control all the affairs of their counties. It will not, then, be possible to levy heavy rates for the support of extra constabulary in the counties. It will not, then, be possible to tax the people and deprive them of money for purposes over which they have no control and in which they have no interest; and we shall have in each county an educational centre—a centre which will educate the people in the duties of self-government, which will train up men to take a part in that higher national life which we hope to partake in upon the restoration of our own Parliament. All this must be done gradually, and the work of making the power of our minority in this country felt must be a gradual one. But we have seen that it has been advancing of late years with very rapid strides. I feel convinced that in five or six years time at the outside we shall have broken the power of the English Government to govern us in Ireland, and shall have compelled them to restore to the Irish people the right of self-government (cheers). I do not venture this prediction in any too sanguine a spirit. I am not very much of an enthusiast by nature, but I believe that we have the control of forces which are practically irresistible, that these forces are suited for the object that we have in view, and that with a really independent party and with an organized people it will be impossible to maintain the unnatural system of government that we have here. Sacrifices will undoubtedly be necessary, but that liberty is not worth anything for which the people are not prepared to make some sacrifices (hear, hear); and I am sure that the smaller sacrifices which our people are called on to make in these days will be cheerfully made (hear, hear). They don't compare with those which many of our forefathers made on many a blood-stained field (cheers)."

### II.—AGRARIAN CRIME.

The record of crime which is here published can give no adequate idea whatever of the condition into which Ireland has been plunged during the last four months. The list of outrages for the month commencing November 13th and ending December 11th, 1880, is merely a selection from the newspaper reports which have appeared in Dublin day by day. The various crimes against person, property, and society generally, thus recorded, cannot represent in any way the state of lawlessness and anarchy under which the community has so long suffered. If any proof were required of this it is to be found in the digest of the crime of Munster and Connaught for the period between the Summer and the Winter assizes, which we append to the following list.

Agrarian outrage on person and property, from 13th November to December 11th, 1880:—

November 13.—Three men charged at Carrick-on-Suir with having waylaid and murderously assaulted Sub-constable Morley.

Dwelling-house of Mr. Gubbins, at Oola, attacked by a large party; stones thrown into the windows. Mr. Gubbins had to

fire on the party in self-defence.

A respectable farmer's house in Oola also attacked.

Mr. W. Haye's (publican) house in Oola attacked and windows smashed.

Ricks of hay and straw belonging to Mr. Hogan, Coolina, set on fire.

Mr. Wheeler assassinated.

Richard Bradburn fired at and wounded at Dunboden, Mullingar.

Mr. P. Fergus, merchant, Ballinrobe, boycotted.

November 15.—Riot at Ballinamore fair; some of the police cut with stones.

A meeting held at Knockanrose, and a resolution adopted to

Boycott thirteen landlords.

November 16.—Man named Jordan severely beaten at Ballaghadereen. Crime—occupying a banned farm.

Shots fired through a farmhouse near Castleisland.

Two men arrested on suspicion of houghing cattle at Gurteengar.

Body of armed men exacted promises from householders at

Crossmolina to join the Land League.

Sixty mounted men and others with bands marched over a farm at Crusheen, Co. Clare—every wall was levelled to the ground.

November 17.—Mr. Lyons, of Ballina, threatened with death unless he reduced his rents.

Commencement of the New Pallas "isolation" case. Bailiff obliged to seek refuge in police barracks.

November 18.—Public bellman warned tenants in Carrick-on-Shannon not to pay more than Griffith's valuation.

At Strokestown fair bellman went about the streets warning

persons not to buy cattle from "land grabbers."

House of a farmer named Malachy O'Connor was attacked at Cappanucal, Murroe, by a party of men with blackened faces. Shots were fired into the house.

Fermoy Land League resolved to poison fox coverts where expensive compensation was awarded by grand juries.

Four men at Cork charged with attacking Mr. Newbery, who had to use his revolver.

Captain Boycott again threatened with death.

November 19.—Byrne, of Hacketstown, forcibly reinstated in his holding.

House of Mrs. Spunner burglariously entered and robbed. Notices posted on chapel gates, Sixmilebridge, containing

names of "blacksheep" who had paid rent against Land League orders. One man, Crowe, hooted and groaned along the road.

Attempted assassination—successful wounding—of Hanlon, caretaker of a farm at New Pallas.

November 20.—Healy, a farmer near Kanturk, forcibly reinstated in his holding.

Threatening letters to a gentleman at Finglas commanding

dismissal of labourers.

House of Mr. J. Liston, Shanagolden, attacked by 20 men, armed with guns and with faces blackened. Shots fired at windows, which were totally demolished.

Land League resolution to prevent Captain Stacpoole's

harriers hunting.

Cattle belonging to M'Manus, a Fermanagh farmer, twice driven off a banned holding; the second time a threatening letter tied to a cow's tail.

Constable Kilroy fired at and wounded in the back while on

patrol duty at Westport.

November 22.—A tenant of the Glenmore estate, Co. Kilkenny, boycotted.

Mr. W. Lambert, of Athenry, boycotted.

A woman reinstated by force in her farm at Fivemilebridge,

County Cork.

During the celebration of Mass at the Franciscan Church, Athlone, a notice was posted on the gate calling on all householders to join a league against rackrenting, and threatening anyone who paid more than Griffith's valuation with the fate of Lord Mountmorres.

A farmer named Burns, of Balla, beaten and left in a

precarious state.

P. Casey charged at New Pallas with having dangerously wounded a land steward, P. Keatinge.

November 23.—Two bailiffs on duty, Barrett and Williams, belled and fifed out of the fair of Kersh, and warned not to return.

Blacksmiths in the West refuse to shoe horses belonging to

persons who have not joined the Land League.

At Lismore, resolutions passed at a meeting that shopkeepers should boycott farmers who were not Land Leaguers, and *vice versa*.

A rick of hay belonging to Daniel Fallow maliciously burned. A tenant who had paid his rent, near Boyle, boycotted.

In the same district attempted boycotting of magistrate and several respectable traders.

Bills posted along the highway near Lurgan calling on the people to pay no rent to Mr. Forde or Mr. Hancock. Gun and coffin at foot.

Three hundred men assembled at Castleblayney, and rebuilt

Fallow's house.

Ten head of cattle belonging to two men, Lydon and Sullivan, houghed and their ears and tails cut off.

John and Patrick Brett, of Shanganagh, severely carded.

Supposed crime, paying rent.

November 24.—Edward Rockett, Whitechurch, Co. Waterford, received a letter requesting him to leave his farm at once, or he would have a very small funeral shortly.

A tenant who had come to Cork was taken back by a party

of men to Mallow, and forcibly reinstated in his farm.

W. M'Nally, small trader in Tobbera, Ballinrobe, boycotted and his life threatened; his body thrown into the river.

A farmhouse belonging to Mr. O'Farrell, J.P., burnt. An armed party, with faces blackened, visited a caretaker of a farm near Ardagh, turned him out of the house, and

reinstated the evicted tenant, named Dore.

Mr. Daly, of the National Bank, Carrickmacross; attacked

and unmercifully beaten by a number of men.

A party of disguised men visited a house near Castleisland, Tralee, and carried off arms. Other houses similarly treated.

Denis Murphy, of Kilmallock, forcibly reinstated in his holding and supplied with potatoes for the winter by a party of armed men.

Police fired upon by a Fenian procession in Cork.

Lord Waterford's cloth factory, Kilmacthomas, broken open and robbed.

Sullivan, a cattle dealer and farmer, returning from Kenmare, murdered and robbed.

November 25.—Thomas Cahill, of Cahirbullane, boycotted for taking grazing of a farm of Lord Inchiquin.

Complete isolation of a tenant on Dr. Kilpatrick's estate,

Glenmore, for paying his rent.

Mr. W. C. B. Wyse, J.P., Co. Waterford, threatened with death.

Two men, Meere and Tuohy, near Ennis, taken out of their bed by a disguised band of men, and sworn not to pay more rent than Griffith's valuation. After being sworn shots were fired over their heads.

Captain Boycott again threatened with death at Lough

Mask.

Shots fired on the road near Parsonstown opposite Mr.

Falkiner's gate.

November 26.—Mr. Charles Hall, Co. Dublin, received a threatening letter, warning him that his tenants would offer Griffith's valuation, and if not taken, worms would have their Christmas dinner off his body.

A Limerick cattle dealer, obliged at Bridgetown, to return some animals he had bought from a man named Healy, under

the Land League ban.

A farmer near Cahir boycotted.

The house of Michael Donohoe, at Castlegarden, fired into.

Crime—payment of full rent.

November 27.—Death of a bailiff who had been fired at

while caretaker of a farm near Tullamore.

A large rick of hay belonging to Captain Palliser, Tramore, burnt.

Stuart, a farmer, near Boyle, boycotted.

Eight tenants in Dowra district boycotted for paying rent in full.

Farmhouse, buildings, and crops of a farmer, in Carrick-on-

Suir, burnt down. Crime-rent paid in full.

Hennessy, a farmer at Lissycassey, for paying his rent, was taken to a river and immersed until almost drowned.

Nine in-calf heifers, belonging to Patrick Blake, of Fermoy, stabbed and driven into the Blackwater.

Lord Waterford's hounds stopped.

November 29.—Threatening letter to gamekeeper of A. Traill, Esq., Bushmills, warning him to leave his employment on pain of death.

At Tramore large rick of hay belonging to Captain Palliser

burnt.

Fifteen men armed, visited several tenants on the property of Mrs. Jones, of Jonesborough, Virginia, and warned them not to pay more rent than Griffith's valuation.

J. Byrne, of Hacketstown, forcibly reinstated for the second

time.

Notices posted on Alderman Mackesy's estate, Co. Kilkenny, threatening intending purchasers of timber.

Sheep owned by a farmer at Boholo, near Balla, mutilated. Sheep belonging to a farmer near Purrance, Claremorris, mutilated.

House of Mr. Rice, Charleville, fired into.

Waterford farmers refuse to sell butter to merchants voting

against giving freedom of city to Mr. Parnell.

November 30.—At Bruff fair, Mr. Hart, a landlord, was knocked down and kicked, and his steward, who brought cattle to be sold, forced to go back. Another landlord, Mr. Browne, also assaulted.

A shot fired into the Protestant school residence at Clifden,

Connemara.

Fifty men forcibly reinstated a Mrs. Ross in her holding at Askeaton.

Mr. Hodnett, of Youghal, solicitor, threatened by letter written in Irish, with death if he proceeded against tenants who refused to pay more than Griffith's valuation.

Fifteen tons of hay burnt—property of Mr. Fee, of Longford.
Tiernay, a farmer near Tuam, threatened for paying his rent,
and his geese all shot.

David Foran's house at Tentala totally destroyed by fire;

Foran paid more rent than Griffith's valuation.

Barrett, a tenant who paid more than Griffith's valuation at Carrick-on-Shannon badly treated by a mob.

Captain Hon. S. Maxwell's steward mobbed in Granard.

December 1.—The house of Patrick Hanlon, a bailiff and caretaker of a house in Co. Kerry, broken into at night, his ears slit, and oath administered never to interfere between landlord and tenant.

Patrick Hoban, thirty years herdsman to Captain Boycott, forced by Land League at Claremorris to resign his post.

Shot fired at croydon driven by a farmer near Carlow. Occurrence witnessed by Mr. Malcomson, solicitor.

A stack of hay at Newry, property of Mr. Sharman, destroyed by fire.

December 2.—Whiteside, a bailiff, and a process server, escorted by police, robbed and threatened at Glangevlin.

Two widows, of Newmarket, Co. Clare, visited at night by a band of women with blackened faces, who carded them.

Attack upon Patrick Gildea, a process server at Castlebar, and dangerous wounds inflicted.

O'Connor forced to surrender a farm at Westport by a meeting; several of his cattle had been destroyed.

Tenant farmer near Loughrea threatened by a party of men with blackened faces for refusing to attend a demonstration.

A body of men paraded the town of Woodford, threatening those who paid more than Griffith's valuation.

Mr. W. O'Donnell, Co. Clare, fired at through a window, shot lodging in face of his wife and child. (Crime, rent paying.)

At Mohill, a man named M'Laughlin was beaten with sticks while driving through the town.

Proprietor of Hamman Hotel threatened if he gave shelter to Captain Boycott.

December 3.—Threatening notices posted in Ballybooley, warning a tenant of Lord Waterford to give up his farm.

The house of a man named Lonergan, near Fethard, visited by 30 men, the windows broken, and himself sworn to surrender a farm.

Shots fired into the house of Fitzgerald, near Mullingar.

House of Alice Byrne, near Ballingarry, broken into and furniture wrecked.

House of a farmer named James Butler, of Maghera, Co. Clare, fired into.

Mr. Henderson of Dunmore, solicitor, threatened with reference to a case in which he was engaged.

Two ricks of hay belonging to James Nolan, of Tuam, burnt.

Mr. T. La Touche boycotted in the fair of Leitrim.

A police sergeant named O'Connor, of Claremorris, brutally kicked and beaten; his life despaired of.

P. Ryan, national schoolmaster at Swineford, boycotted.

December 4.—Riot at Ballycroy fair, Ballina. Sergeant Foy seriously wounded.

Mr. Bence Jones, Co. Cork, threatened.

Men working at a Board of Works pier near Louisburgh, intimidated, and works suspended.

The Rev. Mr. O'Malley, threatened.

Earl of Shannon's forester threatened and noticed not to sell or cut timber.

Mr. J. Ankatel, of Clogher, threatened with death.

Five tradesmen in Boyle boycotted.

M'Carthy, a farmer, hooted out of Drumcollogher fair.

Mrs. Hunt, schoolmistress, at Drumcollogher, boycotted because of her husband having served writs.

**December 6.**—Notices posted at Corbally, Co. Limerick, warning people against crossing the bridge on pain of being thrown over the bridge.

Captain Hawkins threatened with death unless his rents are reduced. The writer says the letter is written in Lord Mount-

morres's blood.

Lord Clanricarde's tenants threatened with boycotting if more than Griffith's valuation is paid.

Houses of Colonel Cuff's workmen, Ballina, who accepted re-

duced wages, visited, and windows broken.

Notices posted in Ballyfarnon, Co. Roscommon, ordering no dealer or shopkeeper to sell anything to The M'Dermott Roe, of Alderford.

At Midleton, Land League passed resolution not allowing Mr. Rice, solicitor, to hunt over their land. (Crime, refusing Griffith's valuation.)

Michael Kelly forced to surrender his holding at Bracklonn.

Notice posted on a house at Derryfad, lately occupied by Murphy, warning no person to take it. Shots fired during the night round Lord Lurgan's bailiff's house.

December 7.—Armed men visited the house of Shea, near Skibbereen, at night, and cautioned him not to pay more than Government valuation.

National school near Bantry, boycotted.

Mr. Bence Jones, of Clonakilty, threatened.

A man named Nunan, mobbed at Charleville fair for taking a farm.

Riot on Sir Richard Wallace's estate, Morra.

Robbery of £1,000 by party of armed and masked men from

the house of Mr. Breen, of Kilmacom.

Notice posted on chapel of Dunmore, Galway, threatening any person who brought frieze to be thickened or corn to be ground to Michael Quinn's mills.

Mrs. Lewis's cattle boycotted in Loughrea fair.

Violent demonstration at Mohill for the purpose of boycotting Mr. Kirkpatrick.

Notice posted on Kiltarmon school warning people to have

nothing to do with a certain grazier.

Police barracks at Ballyheigue, Co. Kerry, attacked by a mob. Mr. Connolly, a Limerick solicitor, beaten and intimidated at Murroe for giving professional assistance to unpopular persons. **December 8.**—Kilfinane Land League passed a resolution

boycotting a land agent.

The Drumcollogher process server who served Mr. Sanders'

writs forced to leave the country.

The Kilmihill Land League passed a resolution that Judge Flanagan be denounced in the Press and on the platform.

Mr. Hunt's cattle boycotted at Thurles fair.

Mr. Hutchins, J.P., and Mr. Harrison, J.P., pelted with mud in Charleville fair; their cattle driven out of the town.

Miss Gardiner, of Killalay, assaulted in Ballina by a huckster

woman.

Ennis Land League decided to have no further transactions with attorneys who acted for landlords.

Michael Tuohy, of Ballina, Mr. O'Donnell's herd, boycotted.

December 9.—Mr. J. B. Houston, of Belfast, threatened with death.

A manager of a Limerick monster drapery establishment "cut

off from social intercourse" for dismissing two hands.

Mr. Conolly, auctioneer, of Cappamore, and family taken forcibly at night by 200 armed men, and forcibly reinstated in a farm.

Rev. T. Warwick, of Carrickfergus, threatened.

Party of disguised men paraded vicinity of Castleisland, demanding money and arms.

Two gentlemen attacked near Gallindine by a party of men, whom they fired at, and dispersed.

Milltown police attacked in their hut by a mob.

Mr. Hacket's corn (Hacketstown) set on fire and destroyed. Flynn, a tenant, evicted two years ago, brought back by force to his holding, and a hut erected for him by 50 men.

A process server, James Mulholland, murdered at Cookstown.

A shot fired into the windows of Mr. Sinnot's house near Wexford, hitting Mr. Sinnot's niece.

Patrick Hickson, of Rathkeale, taken blindfolded by a party of men, and reinstated in a farm from which his father had been evicted two years ago.

In Newcastle, Dr. Palmer's windows smashed in with stones

and shots fired into his house.

Patrick Connors reinstated by a disguised party in a farm from which his father had been evicted two years ago.

Denis Nolan forcibly reinstated in a farm at Shanagolden; the owner turned him out, and the house was burnt that night.

December 10.—Large haystack, property of Mr. Donnelly, of Enniskillen, destroyed by fire.

John Lyons, a tenant farmer, boycotted in Ennis.

Lieut.-Colonel O'Callaghan, Co. Clare, completely "isolated."
A Limerick night-watchman served with peremptory notice to attend Land League Court.

A grazier near Ballinahouna, King's County, isolated, and his farm injured for refusing to join Land League.

Griffin, caretaker of a farm near Ardfert, threatened and forced to leave the place.

Tenants of Mr. T. Stewart, Co. Donegal, threatened if they worked for him or paid higher rents than Griffith's valuation.

A bailiff of Carrick-on-Shannon, Farrel Gallagher, seized on duty by a party of disguised men, stripped naked, and sent home.

A bailiff, Sherdian, treated in a precisely similar manner at Ballinamore.

Armed party visited houses of several herds at Castlebar, fired shots, and swore them to leave their farms at once.

December 11.—Feeny, an Ennis farmer, boycotted for paying full rent.

At Scariff fair, Mr. Studdert, a land agent, assaulted, and escorted by police to the barrack.

W. V. Townsend, land agent, boycotted, and forced to leave his residence at Kilmallock.

At Dowra fair some men belled and hunted from the fair for taking farms.

At Swanlinbar and Belcoo fairs bellmen went about warning people to deal only with Land Leaguers.

Mr. Justice Fitzgerald, Judge of Winter Assizes, Cork, threatened with death.

Kiltulla Land League, hearing that a farmer intended to take a certain house and lands, assembled and utterly demolished the house. A bailiff, John Beirn, while attempting to serve writs at Mullagh, Co. Leitrim, forced to retreat to police barrack.

Rollyns, a process-server at Tralee, seized near Castleisland by a body of disguised men and suspended from the battlement of a bridge.

Near Brosna, Casey, a caretaker, attacked by a gang of armed men, sworn to leave the house, then tied with his wife to

the bed, and his whiskers cut off. Shots fired.

A steam threshing-machine, belonging to Mr. Kelly, of Birr,

maliciously destroyed.

Mrs. Taylor, for refusing Griffith's valuation in Parsonstown, belled and hooted in the streets.

The following is the text of the letter threatening Judge Fitzgerald, at Cork:—

"Irishtown, Limerick, to Judge Fitzgerald, Cork.—Look here, my boy: By J—— C—— if you do not charge the jury in a certain Limerick case fairly and impartially your life is not worth a thraneen, for you may be shot dead in court. (Signed) A Pallas Boy." The letter was apparently written by an educated person in a disguised hand.

The following is the text of the letter threatening Baron Dowse, at Galway:—

"Irishtown, Limerick.—Dowse, you b——, you infernal Protestant, take warning of Lord Mountmorres, for you will surely meet his fate, even on the Bench, if you convict a Land Leaguer; we at last know our power, as you now see. We frightened that other b—— in Cork, so we will you or any other tirant like you. A Co. Limerick Man."

"To hell with Victoria la Reine. Vive Parnell Notre Roi." Underneath was drawn a coffin with the name Baron Dowse

on it.

#### SUMMARY OF CRIME

#### SINCE SUMMER ASSIZES IN MUNSTER AND CONNAUGHT.

#### MUNSTER.

#### Co. Clare-

- 43 cases of letters threatening to kill or murder.
  - 3 of firing into dwelling-houses by disguised parties.
  - 8 of arson.
  - 3 of taking and keeping forcible possession.
  - 2 of maining cattle.

Total, 59

In addition, 15 charges of taking forcible possession, in which no one has been made amenable.

#### Co. Limerick-

- 58 cases of threatening letters.
- 9 of maiming cattle
- 7 of taking forcible possession with firearms. 9 of malicious injury.

Total, 100

## Co. Kerry-

- 101 cases of threatening letters.
- 23 of arson.
- 4 of maining cattle.
- 6 of attacking dwelling-houses.
- Malicious injuries without number.

Total, 134

#### Co. Cork, West Riding-

- 25 cases of threatening letters.
- 15 of maining cattle and other malicious injuries
- 5 of compelling parties to quit by violence,
- 1 case of forcibly resisting Sheriff.

1 murder.

Total, 47

#### MUNSTER—(Continued).

#### East Riding-

- 51 cases of threatening letters.
- 22 of arson.
- 3 of maining cattle.
  - 7 of forcible possession; a number of assaults on bailiffs, and several other charges.

#### Total (both Ridings) 130

The full totals, therefore	, read	thus-		
County Clare				59
County Limerick				100
County Kerry				134
County Cork			•••	130

#### CONNAUGHT.

#### Co. Leitrim--

201011111			
Threatening Letters		2	25
Unlawful assemblies	***		5
Administering unlawful oaths			5
Attempts to boycott			7
Intimidation			3
Other offences against property, &c.		8	30
Total indictable offences			75

#### 

S	igo—				
	Murder		 	•••	1
	Firing at		 ***		1
	Stabbing		 		2
	Arson		 	•••	3
	Cattle stealing		 ***	•••	. 3
	Malicious injury		 		4
	Threatening letters		 		26
	Other offences		 •••	•••	10
	Total indictab	le offences	 		50

# Total menable to law ... ... 30 Co. Mayo—

Firing at	 	 2
Threats to murder	 	 15
Arson	 	 29
Maiming cattle	 	 24

#### CONNAUGHT—(Continued.)

Committee (Co	receivace.)			
Assaults on dwelling-houses	•••	-gaible		10
Wilful injury to property			•••	30
Threatening letters	•••			73
Other offences		•••		53
Total indictable offences				236
Total amenable to law				12
G. G.1				
Co. Galway—				
Threatening letters		,		66
Arson		***		22
Injury to property		H. H. WHITE P.		31
Other offences				172
Total indictable offences				291
Total amenable to law				12
Total offences		•••		652
Total amenable	Market L	Hardwell !		36

#### III.—OPINIONS OF PUBLIC MEN.

The extracts here given from the speeches and writings of public men upon the condition of Ireland, represent all shades of opinion—religious, judicial, and political. There is a general unanimity of feeling upon the subject which is remarkable. A perusal of the following various manifestoes of the Catholic clergy, the judges' charges, and the utterances of public men of all parties, will be sufficient evidence of this statement.

The Catholic Bishop of Cloyne, in the sanctuary of Mallow Church, on September 29th, made the following remarks on the Land League:—

"I cannot then, as a Catholic and a priest, subscribe to the sweeping and unqualified condemnation of landlordism as an institution intrinsically bad and immoral in itself, nor join in these denunciations by which landlordism pure and simple is assailed by some of the accredited agents of the Land League at public meetings called by that body. Did they confine themselves to the denunciation of bad landlordism I could agree with them fully, for this I believe has been the bane of our country, the fruitful source of the crime by which it has been stained, and the cause of the backward condition of our farming classes, owing to the sense of insecurity and dread of confiscation of their improvements which it has created in the minds of our farmers. Let bad landlordism, then, by all means be abolished, and this I hold would be for the interest of the good landlords, of whom I am glad to believe we have many still in Ireland. In other words, let the abuses of landlordism be swept away. Let the relations of landlord and tenant be based on the principles of natural justice and equity, and the recognition of the just rights of the latter, which should form the basis of any mutually onerous contract. This I hold can be done, and is very likely to be done, by the present Government, without the abolition of landlordism

itself, which every rational man can see could not be effected without a revolution, for which this country is not prepared. For this and other reasons, which it would take me too long to state, I cannot personally agree to the programme of the Land League. and, as a minister of religion, I must emphatically disapprove of the unsound theories and dangerous and inflammatory utterances of many of its prominent members. However, as I said before, these are my own personal opinions, which I place before you for what they are worth. It is for you now to decide what action you are to take as a body in reference to the Land League agitation, and for this purpose certain resolutions will be laid before you for your acceptance, rejection, or amendment."

Archbishop M'Cabe, in a pastoral read in the churches of Dublin, on Sunday, 10th October, 1880, thus commented upon the state of the country:—

"Our unhappy country has, within a few months, drank deeply of the blood of her own children. That blood must call for vengeance to Him who declared that even the beast of the field should account for man's blood spilt by it. That blood will cry out not only against the hands that made it flow, but against us all, if we fail in abhorrence of the crime which sent a brother's soul, without a moment's notice, without a moment's preparation, before the judgment seat of the terrible Judge. The enemies of all concession to our people have not been slow to turn these dark crimes into arguments against the cause of justice. But whilst men are right in expressing their horror for these crimes they should not be precipitate in laying their guilt at the door of any individual or of any cause. The tribunals of the country have pronounced no sentence; self-constituted judges should be slow in condemning. But is it not to be deeply deplored that the shortcomings of those who have presided at many public meetings held should give even the shadow of an argument to those who are only too willing to connect the tenant question with outrage and bloodshed? Unfortunately, at many of these meetings, when the character of an erring landlord was being drawn by the public speaker, cries that never, even in levity, should be heard from Christian lips have been uttered. And, although we firmly believe the managers of these meetings abhorred the crime of murder as much as we do, yet no indignant protest came from those who were answerable for the proceedings against these wicked utterances. This was not the rule followed by the great man who liberated

his country. Though a passionate lover of liberty, he declared again and again that liberty was not worth a drop of human blood, if shed in crime. He taught his followers that the man who committed a crime gave strength to the enemies of his country; and if in his most excited meetings a word of violence was uttered, the thunders of his eloquence speedily silenced the offender. We all know the results of his wise policy."

The Reverend Gilbert Mahaffy in a sermon, preached on the occasion of Lord Mountmorres' funeral at Monkstown on September 30th, said:—

"To administer firm and even justice is the first duty of the State, and even where it implies the severest punishment it is the truest mercy towards the subjects of the State. The Government that fails to act with vigour and decision, shares the guilt of the crimes that its remissness produces. . . . It is sad to see the land we love so stained and dishonoured. Our countrymen have much in them that is generous and kind; but their moral sense has become so perverted that they have learned to look with approval-nay, more, with approbation, on acts of violence and bloodshed. We turn to their political teaching to see if there is one who will stand in the way and try to turn them back from the ruinous course that is making the name of Ireland notorious all over the world. Of their political leaders some applaud, some palliate, and some regard with indifference these deeds of blood. There is, certainly, no attempt on their part to bring them to an end. . . . And when we look to our English rulers they seem to be unconscious of the duties they have undertaken to discharge. In centuries past their predecessors made deep and wide the separation of races and religions. The unwise policy of English statesmen embittered divisions that would long since have hailed themselves. Having sown the wind, they seem willing to leave the reaping of the whirlwind to those who trusted to their honour and faith to protect them."

Mr. Justice Fitzgerald, sitting at Cork, December 7th, as Judge of Winter Assize, delivered the following remarks in the course of his charge to the grand jury of the Munster Winter Assize County:—

"His Lordship addressed them as follows:-Mr. Hall and

gentlemen, you are assembled here to-day not as the grand jury of the city of Cork, but as the grand jury of the Munster Winter Assize County, embracing the counties of Clare, Limerick, Kerry, and the two Ridings of Cork, as well as the cities of Limerick and Cork, a very wide and important district, and possibly representing somewhat more than the quarter of the whole country. In the observations that I intend to make, I will confine myself entirely to events occurring within that district, and to matters of fact which appear before me upon reliable official documents, and I will not exceed these bounds. In addition to that in point of time I wish to confine myself to a period of four months which has occurred since the last assizes. I shall also exclude from immediate consideration ordinary offences, such as sheep-stealing, cattle-stealing, robberies, aggravated assaults, larcenies, and ordinary offences of that character, which are to be found more or less in every community, and I will confine my observations to offences of that character which strike entirely at the peace and welfare of society at large, and if allowed to go on would work the total disorganisation of the social system. Do not be alarmed, by what I have said, into the fear that your duties will be heavy: they will not be so, because one of the characteristics that I shall comment upon is that in nine-tenths at least of the cases of reported criminality there is nobody made amenable. That is one of the great blots upon the administration of criminal justice in this country. Of course a judge has no greater opportunity than you have of knowing what is passing, save that he is armed with reliable official reports of all crimes reported to have been committed during a certain period. Gentlemen, I must say that at the last Summer Assizes—at the close of it—it was my duty to address the jurors of a neighbouring district, and in all cases to point out the great absence of crime. I told them that I did not profess to know anything of what would be going on beneath the surface. I could only deal with the facts which came judicially before me. But at the return from summer vacation at the end of October last we found all these changed. In place of the description that I have given you, we find that some organisation—I don't profess to say or to know what it was, but some organisation acting on the cupidity, the passions, and the fears of the people, had reduced some districts in the country into anarchy and confusion, little, if at all differing, from civil war. Gentlemen, in addition to that, it was obvious to everyone that you had to deal with an armed population. The offences or possible offences which I will have to describe to you were all committed by armed people, as far as I can judge from the official reports. In certain districts in the province of Munster, which we are now dealing with, every boy, every farmer's boy, every farmer's son, and

persons of that class seemed to be armed with a rifle and a revolver, and they certainly have been used freely in the commission of the outrages which I shall have to advert to. With those observations, I have now to ask your attention to a few cases I have extracted from the reports supplied me. I will take, in the first instance, the county Clare, and I may repeat that I exclude all the ordinary offences, save in one instance, in which I shall give a direction, and which occurred in one of the ridings of this county. With that exception, however, I do not take into consideration any of the ordinary offences, which are of the usual character, and regarding which you require no assistance from us. I find in the county Clare a resume of extraordinary offences, which strike at the whole foundation of society. Gentlemen, we don't mean to say at all for one moment, that those parties who commit such offences are put in motion by the Land League. It is not for me to express any opinion whatever on that subject, but the importance of the case is, or one of the incidents of all those cases is, that the emissaries or people who commit these offences represent that they come on behalf of the Land League. Now, gentlemen, in going through these details I have confined my observations to the matter which have been brought officially before me. I don't wish to be guilty of exaggeration or to create excitement or alarm. I desire now to express myself in calm and measured language that best becomes me, to whom the administration of justice is committed, and I should feel short of my duty if I did not point out to you that how, in several districts embracing a large portion of Munster true liberty has ceased to exist, and intolerable tyranny prevails, life is not secure, right is disregarded, the process of law cannot be enforced, and dishonesty and lawlessness disgrace the land. It is said in excuse or palliation, that this flood of anarchy or crime has been produced by bad existing laws. It is not for us here to consider whether our laws require amendment, or whether our institutions are open to improvement. These are matters for the Legislature. But no candid mind can doubt the disposition of the Imperial Parliament or its anxiety to consider and redress all real grievances; and I add for myself, and for you, and for all well-thinking people, that we are prepared to make all sacrifices if doing so can procure the restoration of peace and prosperity to this distracted country. The primary functions of Government are to protect life and property, to repress crime, and it is to aid in accomplishing these objects that we are assembled here. Our duty is to administer the law as it exists, and if we can to eliminate crime from the land."

Baron Dowse, in his charge to the Winter

Assize grand jury at Galway, commented, in the following terms, upon the state of Connaught:—

"If this state of affairs is allowed to continue much longer, immediate danger to Ireland will be the consequence, and ultimate disgrace to the Empire of which she forms a part. No true friend of Ireland—no real lover of liberty, as contradistinguished from licentiousness, can dare approve of the state of facts I lay before you. I speak not alone in the interests of the victims of this reign of terror, as it is properly called, but also in the interests of the poor people themselves, who are too often the mere tools of men who are more crafty and designing than themselves. I speak in the interest of the whole country, which in every part from north to south, from east to west, in the study of the professional man, in the wareroom of the trader, in the home of the country gentleman, and in the cottage of the farmer, feels the terrible influence of this dreadful disease, one of the more dangerous symptoms of which I have laid before you. I hope it is not out of character for me to say that I fervently pray to God that this cloud of discontent and crime which is brooding over this province may be speedily removed, and that peace and happiness, truth and justice, may be once more established within its borders (applause)."

Judge Barry, at Waterford, December 9th, in his charge to the Winter Assize grand jury, said:—

"If we are to trust at all to the ordinary channels of public information—and I have no other means of knowledge on the subject than you have—there has been for some months past prevailing in many parts of this country a determined spirit of lawlessness and insubordination, and defiance of and contempt for the law have been manifested in offences against the person and property, more or less serious and aggravated, and of the class commonly known as agrarian. Some of these offences are of a type unfortunately with which we have been from time to time unhappily too familiar in this country. Murder, assaults, incendiarism, injuries to property, maining cattle, threatening letters, Others of these offences are of a character and the like. certainly novel, or at least hitherto unusual-violent resistance of legal processes, the forcible retaking possession of land from which the parties have been evicted, the forcible reinstatement of evicted tenants by bodies of men, apparently strangers to the transaction between landlord and tenant; intimidation practised to prevent tenants paying their rents higher than a certain amount-Griffith's valuation, I think; intimidations practised to prevent persons taking lands from which tenants have been

evicted, or to force persons who may have taken possession of such lands, to give them up; violent assaults upon bailiffs and other officers of the law; and the like. Some people say that in the accounts of these matters that reach us there is much exaggeration, that some of the reports are mere inventions, mere fabrications, or that the offences are not of the agrarian class to which they are attributed, and that the accounts given of them are the result of heated imagination or credulity stimulated by panic. This may be so; but, making every allowance for exaggeration, still if one-tenth of what we hear and read be true, no sane and candid man can deny that there exists in many parts of this country a state of things demanding grave and anxious consideration. We are all aware that there has been going forward for some time past in this country a political movement having for its object the fundamental alteration of the land laws and land system of this country, and an organisation for the promotion of that movement has been formed called the Land League. Now the opponents of that movement allege that it, and especially the operations of the Land League, are the direct and immediate cause of the state of things to which I have adverted, and that the leaders of the movement are responsible for all that has occurred or may occur. On the other hand, the advocates of the Land League assert that the agrarian crimes are the direct result of unjust land laws, and that the organisation has the effect of checking, and not promoting, agrarian outrage.

Judge Lawson in his charge to the grand jury of the North East Winter Assizes, on December 13th, amongst other comments upon the state of Ireland said:—

"It is the duty of every judge to look over the calendar of what I may call undetected crime, because it furnishes a much more reliable and very safe criterion as to the effective administration of the law and as to the condition of the country. And, looking over the constabulary returns, which I have done with the greatest care, I am sorry publicly to be obliged to state, and to state on this occasion, that the clear conclusion which I have arrived at is this, that the system of intimidation which has so long prevailed in the southern and western counties of Ireland is gradually but surely making itself felt in this great northern province. . . I have known this country now for nearly half a century, and never in the course of my experience do I remember any state of things at all parallel to that which is now existing. A system of intimidation on a large scale, perfectly

unconcealed, and openly avowed, is practised, and those concerned in the administration of the law, from the very judge on the bench down to the bailiff serving an ejectment process, are all sought to be made subject to this system of intimidation.

. . . Is that a state of things to be tolerated? I should be glad to know are all the people of the sister countries, all the people of England, aware—because, if not, it is high time they should be-that while you and I are here administering law under the Queen's commission, there is at the same time another system of law being openly executed and carried out, which threatens to supersede altogether the operations of her Majesty's courts of justice. . . . I hope that the reign of law and order will ultimately be restored in this country. The people of England are slow to move, but, believe me, when they do move, there slumbers in the arm of England a giant's strength which could in a very short time put an end to the proceedings of this disgraceful conspiracy against law and order in this country. I am only saying this, gentlemen, from a sense of public duty, and I am only echoing in a lesser degree the observations of my brother judges who are carrying on the Winter Assizes in other parts of the country; and I feel specially bound to do so, with a view of indicating to you the danger and apprehension which exists that this province, which has been so loyal and so lawabiding, may be soon brought to the level of other parts of this country which are less fortunately circumstanced. I commend, gentlemen, these observations to your consideration."

Lord Salisbury, at Taunton, on October 26th, said:—

"We are told that strong measures cannot be adopted, and strange excuses are made for the present disorder of the Irish peasantry. We hear of the leaders of the Land League, who are Members of Parliament, speaking in strong terms of England, because Ireland in the past was the subject of misgovernment. Other countries, however, have been misgoverned, but that has not been made the excuse for the destruction of life and property within our own time (cheers). I believe the Duke of Cumberland in his time misbehaved himself and became obnoxious to the people, but they did not shoot him. In our country, even Judge Jeffries was not popular; but I should be sorry, indeed, if every one who gave offence were to walk about in the fear that a bullet might be put through his head. Such an argument as that simply leads people to misunderstand the nature of the question before them. We do not wish in any way to avenge ourselves upon the Irish people, we do not desire to hurt them,

or to repel the evil they have done if we can avoid it. But our object is that the elementary condition of the population must be rendered such that life and property in the country must be safe. Of this I am sure, that the prosperity of the country can never be restored if violence is to remain unchecked, and contracts are to be invalidated by the bullet."

The Lord Chancellor, at the Guildhall Banquet, on November 9th, said:—

"Liberty and law are the two great pillars of the State. Each is absolutely indispensable and necessary to the perfection of the other; each has at all times the support of the municipality of London. I said that liberty and law were indispensable to each other. Without liberty law might easily degenerate into a mere system, I might almost say an intolerable tyranny. Liberty enables and encourages every subject of the realm to speak with freedom when he thinks that in any respect the law is imperfect or bad, and to use all lawful and honourable means to obtain its amendment, and by means of that liberty, freely and fairly used, the processes of the amendment of the law have been continually going on. On the other hand no man's liberties would be safe, either as to his personal or as to his political rights, or as to his private rights of property, if law were not respected. It has, therefore struck me that one of the greatest and most paramount duties of every government is to maintain the authority of the law (loud cheers, and cries of "Ireland") with firmness, with steadiness, and without hesitation, against all attempts and combinations whatsoever which seek to teach men that the law while it exists is to be disobeyed."

Mr. Gladstone, at the Guildhall Banquet, on November 9th, speaking upon Ireland, said:—

"It may be urged that Ireland is visiting upon England the consequences of all her previous acts, and that she has not yet thoroughly forgotten the oppression of England. It is not England that is being punished. It is Ireland herself—Ireland, in which not the landlords only, but the occupiers of the soil, those who are occupiers who desire to fulfil their duties and perform their contracts—those who would wish to be occupiers by taking farms which have become vacant, find themselves obstructed by menace, by intimidation, and by crime (cheers), and by infringement of the rights that appertain to free citizenship. And anxious as we are to be associated with practical improvements in the laws of the land, yet, my Lord Mayor, those who hear me, and those who may otherwise become acquainted with the proceedings of this meeting, may rest assured that we

recognise as a duty of priority, as a duty over and above all other duties, the duty of enforcing the law for the purpose of order (loud cheers). Then, one word more, we hold it our first duty to look to the law as it stands to ascertain our powers, but the obligation incumbent on us is to protect every citizen in the enjoyment of his life and property (cheers), and it may be that under certain circumstances we may be compelled to ask for a certain increase of power, but we will never anticipate such a contingency, nor imagine it to arise until it is proved by the clearest demonstration. Yet if that contingency were realised, if that demonstration were afforded, you may rely upon it we shall not shrink from acting upon the obligations devolving upon us (loud cheers)."

Referring to Ireland, at Bristol, on 15th November, Mr. Osborne Morgan said:—

"When they saw murder and outrage stalking in the noonday undetected, and, they might almost say, unreproved; when they found that men of note and position advocated assassination on the ground that in certain circumstances it might be necessary, then it was high time for any Government worthy of the name, to remember that there was one duty which was before and above that of maintaining and upholding law, and that was of protecting the lives of the people, and of maintaining the integrity of the Empire."

Mr. Shaw Lefevre, at Reading, on December 8th, alluding to the state of Ireland, said:—

"He need hardly point out the critical state in which Ireland was at the present moment. They were brought face to face with an agitation of an agrarian character far more serious than any which they had hitherto experienced during the present century. It was led by men of great ability, who had probably ulterior views, and the position was one of very great difficulty. The proposals of the Land League were most impracticable, and he thought the Irish people would really see, if they were fairly explained to them. That, however, was no reason why a careful measure gradually introducing the system should not be brought forward, though, of course, that would not remedy the immediate existing state of things. He had no sympathy with the movers of the Land League of Ireland. It appeared to him the course of intimidation they were recommending was in every respect to be condemned, as likely to lead further and further to disaster (cheers). The Land League had practically set themselves up as another Government in Ireland as against the Government of her Majesty the Queen (cheers). Now this state of things could

not be allowed to exist (loud cheers). It was altogether intolerable that there should be any other Government in Ireland but that of her Majesty the Queen (cheers). Well, then, how best was this state of things to be put down? The Land League leader had been charged with certain criminal offences, and a jury would have to decide the matter. Therefore it would be hardly right to say more, lest he prejudged the case, than if they were convicted and they were condemned then it would appear that her Majesty's Government was the stronger of the two (cheers). If, on the other hand, there should be no verdict, or if it should prove no jury could be found in Ireland to convict them, although the facts were strong against them, then it would be the duty of her Majesty's Government to put an end to the state of things which he had described."

Mr. Lowther, late Chief Secretary for Ireland, at West Hartlepool, on December 13th, in a speech upon Irish affairs, said:—

"The Peace Preservation Acts were acts that mainly provided that arms should not be imported into proclaimed districts, and power was vested in the Executive to impose a charge upon persons resident within certain areas for the cost entailed by the location of special detachments of police. most efficacious weapon in dealing with those whose selfish interests could be so easily appealed to in certain quarters. Well, the present Government had promised not to renew these They all knew what had since happened? A state of affairs speedily arose in which the existing laws were openly He was aware that it was often said that very exaggerated notions were formed in England of the real state of the Now, he was in a position to say, from information on which he knew the greatest reliance might be placed, that the real state of affairs in Ireland was far more serious than anyone in this country could conceive. The de facto Government to which he had referred were at present exercising a power to which the de They issued jure Government could never venture to aspire. their own decrees, they levied their own taxes, and did so in the most open and palpable manner. They prepared their own lists of the persons whom they deemed entitled to exercise the ordinary rights of citizenship, and, in fact, discharged all the functions of the Government. The de jure Government of Ireland -what had it done? It had absolutely and ostentatiously abdicated its proper functions (cheers)."

Mr. Courtney, M.P., in addressing a meeting of his constituents at Liskeard, on 26th November, said:—

"It has come to this, that in many parts of the West of Ireland no man is free to do what he likes. Everywhere you find men unable to do what they have done, and would go on doing, in consequence of the terror which is exercised by the society which has sprung up among them. You all know the history of the Boycott expedition; you are all aware that thousands of soldiers have been employed to prevent internecine conflict on the part of the reapers and the populace. There are other instances within my own knowledge of people put into similar positions being obliged to leave Ireland because they find it absolutely impossible to live there. Is that to be endured? It appears to me that one of the most elementary aims of society is this, that the man who gets up in the morning to go forth to his daily labour shall do so without fear of molestation. It is equally simple that the man coming home at night and going to his bed shall have no fear of midnight attack. And if it comes to this, that a man against whom no charge can be made is exposed in his daily life and toil to threats and injuries-is exposed to murderous attack by night, or to outrage by day-then I confess that it becomes with me a serious reflection that, whatever may be the work to be done in the future, there is some work to be done in the present. And the question daily becomes more pressing. You have to deal with a sort of brief madness. The people willingly live in peace and quietness, but the madness has run among them and will run further. It appears to me that under such a situation the Government must use the hand of authority, and must declare that the simple guarantees of life and property should be made secure. (Cheers). . . I do not see that liberty requires you to allow any man to carry about revolvers; and if a whole district is under the terror of persons who are carrying about revolvers liberty will approve of a law requiring them to cease to carry those revolvers. (Cheers). Again, I do not see any necessity for permitting nocturnal assemblages or lurking behind hedges, and I shall strongly approve of the re-enactment of that law which gives the police the power to arrest summarily those who are found lurking about. I should have given the Government my strong support if the Government had come to Parliament for the re-enactment of an Act

similar to the Westmeath Act. In these periods of excitement sanity returns almost as quick as insanity appears. Once let those people, when verged on madness, know that your authority is active, and they will soon cease their outrages. The sober will become sober, and the wicked will cease to be wicked; they will be unable through fear to carry out their designs; and the greater part of the people who have been terrorized by the minority from their freedom of action will be restored to peaceful society."

Lord Edward Fitzmaurice, M.P., addressing the North Wiltshire Liberal Association, at Chippenham, on 17th December, said:—

"Nobody with a candid mind could deny that over a large part of Ireland the ordinary law had ceased to exist (hear, hear), and that the contagion of lawlessness was spreading from day to day and from district to district. It was impossible to disregard the weighty opinions of the judges of the land (hear, hear). Whatever the vices of the land system might be they could not account for or justify the extraordinary crimes which were now taking place (hear, hear). They would have read the news here with feelings of just and legitimate indignation of the destruction of a Protestant church in Connaught, and of the boycotting of Mr. Bence Jones (hear, hear). Mr. Jones was one of the best and one of the most improving landlords in Ireland—a man who, if he lived here amongst us, would, he was perfectly certain, be universally respected (hear, hear); and what had the Church to do with the land would anybody explain to him? In what way would this kind of thing and the system of organised terror wnich he was informed was directed against such landlords as Mr. Bence Jones and many others conduce to the welfare of Ireland? . . . The movement now going on in Ireland was not merely agrarian, but The worst features in the existing situation were to be traced to imported ruffianism from America—men who in their own country would be tried not by the judges of the land, but by Judge Lynch. There was now being exercised a reign of terror and a levying of blackmail on the peasantry of Ireland, and their rule was as odious as that of any Turkish pasha or brigand chief. The object of these men was not reform, but . . . Personally his fear was this-that if lawrevolution. lessness was allowed to continue rampant in Ireland, letting alone the immediate objections to the thing itself, legislation

would become far more difficult than it otherwise would be, because men's minds would have been wrought up on all sides to that pitch of ungovernable excitement that propositions which otherwise might have been accepted would perhaps not obtain as fair a hearing as they could wish. For himself, he thought that if we had had an Arms Act in October last we should not be taking to suspending the Habeas Corpus Act now. Suspending the Habeas Corpus Act was a very grave and a very extreme course. He was afraid we should have to come to it. The suspending of the liberty of ill-disposed persons to be out at night armed with rifles, with revolvers, and with bowie knives was not, or would not have been, a very grave interference with the liberty of the subject. . . . The English people must show, as he knew they would, that they knew how to govern (cheers), and would not allow themselves to be frightened by ruffianism and swaggering (cheers). Their leaders must lead, and they would follow them, and they must take care the sentiment in regard to Ireland did not degenerate into sentimentality (hear), and that the blessed quality of mercy should never be allowed to appear in such a light as to resemble something like making a compact with the enemies of law (hear, hear)."

obers conflues the relative of the second

clostry el 10 1880

## THE STATE OF IRELAND.

SPEECH OF

## THE RIGHT HON. DAVID PLUNKET, Q.C., M.P.

The inaugural meeting of the Chesterfield Working Men's Conservative Association was held, under the presidency of Mr. F. W. Bagshawe, in the Stephenson Memorial Hall, Chesterfield, on December 18, 1880. The audience was very numerous and enthusiastic, among those present bieng the Duke of Portland, Viscount Galway, M.P., Mr. Ashmead Bartlett, M.P., and many of the leading gentry of the neighbourhood.

The Right Hon. D. Plunker, who was received with cheers, moved the first resolution, which condemned the conduct of the present Ministry, especially for its abandonment of the government of Ireland; and expressed unabated confidence in the wise, firm, and statesmanlike policy of Lord Beaconsfield and his colleagues. After making some local references, Mr. Plunket said,—There is one part of this resolution which interests me more than the other branches of it; but before referring to the Irish question (loud cheers) I wish to make an allusion to the last general election. (Cheers.) I think that this, if you will allow me to say so, is a plucky and a wise move that you are making here in this town. No doubt we got a terrible beating at the last general election. There is no use denying it, and the best thing we can do now is to put on our coats and shake hands, and begin to organize and prepare ourselves for the next set-to, and see whether we cannot return the compliment. (Cheers and laughter.) Certainly there is one great encouragement that we have in our efforts, and it is this: that our adversaries seem to be doing all that they can to dissipate in the shortest possible time the results of their great success. (Cheers.) Nor need you wonder at that. How was it they compassed it? Now, I am not going to call hard names nor vie with some of them in misrepresentation, or exaggeration, or anything of that kind; but what they did was this. They got every kind of politican they could together into a medley party. They said "Let us combine for one purpose of putting out the Conservatives, no matter if we don't agree on anything else." (Laughter and cheers.) That was, no doubt, good for the purpose of putting out the Conservatives, but already we see that it is not a very useful kind of system for keeping in the Liberals. (Cheers.) I never could understand that policy of saying, "If we can only agree on one particular point, let us agree on that condition, and all the rest is quite simple

and easy." The different sections of the Liberal Party are much more opposed to one another than they are to the Conservatives. They cannot abide one another in politics. (Laughter and cheers.) I was amused at a report in a newspaper which one of your members was kind enough to send me, which recorded the proceedings of a Liberal meeting held in the neighbourhood of this town—I forget the exact place. One of the speakers was a good friend of mine, a gentleman who, although he differs from me in politics, I greatly respect. I mean Sir Henry Jackson. He made a speech—a very pleasant, agreeable speech, as he always does—but in the course of it, when no one had suggested this subject, he said, "Oh, they are always accusing us of being mixed up with Birmingham." Now, when people defend themselves before they are attacked, there is generally something curious about it. (Laughter and cheers.) Birmingham was, somehow or other, corroding in the mind of my good-tempered friend. tell you that Birmingham is going to play a great part in the near future of the Liberal Party. There are two members of Parliament there who know their own minds, and are bent on having their own way. One of these members is the author and proprietor of what is called the Caucus system, and being so he has a power in many constituencies which may turn out to be very inconvenient to some of his friends. who are not inclined to agree with him on every point. (Cheers.) I venture to say this, and to commit the folly of hazarding a prophecy keep your eye in the future upon Mr. Chamberlain. He is the youngest member of the Cabinet. He has not been a very long time even in Parliament. Yet with the exception of the Prime Minister he is, I believe, about the strongest member of the Cabinet at this moment. He is an able, cool-headed, resolute man; and I promise you he will by and by break up the Liberal Party. (Cheers and laughter.) We need not despair in any way; we had a good long innings until last spring. We can afford to wait a bit; our enemies are going to pieces as fast as they can. But I call upon you who are meeting here to-day to inaugurate this Association to make it a real practical working Association, so that when the next opportunity comes at a general election you will be found ready to reverse the verdict that went against us in East Derbyshire last time. (Loud cheers.)

Now, as I have said, the first part of this resolution has great interest for myself. I refer to Ireland. This is the one question which at the present moment eclipses all others, and whose shadows chill and darken all the atmosphere of politics. When we turn towards Ireland we find ourselves face to face with a state of affairs more serious than any this Empire has had to confront certainly in the time of this generation, perhaps more serious than any that has existed throughout the chequered history of the connection between the two islands. A conspiracy aiming directly at the overthrow of the existing laws which secure property in Ireland, and ultimately at the dismemberment of the Empire, has been allowed to grow to such a pitch of power and maturity that the ordinary law of the land—the law of this famous British Empire—lies prostrate and helpless at the feet of the conspirators. I will use the words of one of the ablest and most impartial

Judges on the Irish Bench—"In a considerable part of Ireland true liberty has ceased to exist, and intolerable tyranny prevails. Life is not secure, right is disregarded, the process of the law cannot be enforced, and dishonesty and lawlessness disgrace the land." Those words were uttered by Judge Fitzgerald now eleven days ago, when charging the grand jury at the opening of the winter assize for the province of Munster. That state of things has since been spreading. It is at this moment spreading rapidly over whatever portions of the island then remained unaffected by it. At such a moment it is the instinct of Englishmen, to whatever political party they belong, to turn to the actual Government of the Empire in order to see what attitude they hold in such a strange and unheard-of crisis. They have not by the mouth of any Cabinet Minister declared their views; but by the statements put forth through their organs in the Press and by the mouths of the subordinate members of their Administration they have made clear their meaning—a meaning which, in the absence of any authoritative contradiction, it would be mere affectation to doubt. And what is their resolve? Parliament still stands prorogued until the 6th of January, and the meaning is that until then, at all events, the state of things which I have just now described is to be suffered to continue and to spread unchecked by any surer or stronger methods of prevention or cure than those which up to the present have proved wholly useless. (Hear, hear.) Under these circumstances it is right and natural that these matters should be fully and carefully considered in any assembly of Englishmen who love the laws and the liberties of their county and abiding the greatness and integrity of their Empire. (Cheers.) I happen to have had an opportunity of studying personally and on the spot some of the most remarkable of the events which have led up to the present crisis; and you will not, therefore, think it presumptuous on my part if I endeavour now to set before you, as clearly and as fully as your patience will permit, a practical view of the present state of affairs in Ireland, though it will only be possible for me to deal with a small part of the subject. I have spent the greater part of the last three months in a house which is situate on the borders of the counties of Mayo and Galway, and belongs to one of the most popular landowners in that province, and when I tell you that Lord Mountmorres met his terrible fate within two miles of that house, that I myself saw the blood of the murdered man while it still curdled in a pool upon the high road; when I tell you that the now famous farm of Captain Boycott lies but a couple of miles off in another direction, and that I have often spoken with Captain Boycott, both before and after the Protestant boys came gallantly to his assistance—(loud cheers) you will admit that I must know something of the very centre of disturbance. From thence the agitation has spread far and wide, and its salient features have been everywhere faithfully reproduced. But it was not many miles from the spot where I have been lately living that agitation was begun, and there it has most rapidly reached its full development. I cannot deny that the tales of horror you have heard from that district have with scarcely an exception been but too truly told. As an Irishman I make that admission with shame and sorrow:

but I pray you, before you pass final sentence upon my unhappy. my misguided countrymen, to let me tell you also that it was not last autumn for the first time that I went among them. I have known them well for many years, and in however unfavourable a light they now appear to you I have seen them under different circumstances. I have lived among them before the Land League was invented, before they were possessed by that agitation as men were formally possessed by devils. (Cheers.) I have seen them goodhumoured and light-hearted, patient under conditions of life that were often hard and difficult enough; I have known them faithful to their employers, kindly with their landlords, honest to their engagements, and grateful for kindness. Such were their characters and such their habits, I say, before the Land Leaguers came among them; and if now you see in them the opposites of all those virtues, I beg you to consider with what manner of influences they have been plied. Never before did any apostles preach a gospel so irresistible. They appealed to all the most powerful passions of those half-educated peasants; they called up greed and ambition, and told them that they need not and ought not to pay the rent they had promised; they assured them that they ought to be and should become the owners of the land which was not theirs; they appealed to patriotism, and taught them that by following such teachings they would achieve what they called the freedom of their native land. To set them against their landlords they raked up the past, and paraded bygone oppression and misery in order to efface the memory of recent kindness; and if in any poor man's mind a sense of right and wrong—perhaps the influence of early training and religion fought for a time against such awful promptings, then terror was summoned to reinforce all these other tremendous temptations, and mental fears and bodily torture were used to overpower the last struggles of conscience. (Loud cheers.) Yes, they have been debauched by bribes and stunned by terror until they have been wrought up to a kind of madness; but I ask you to believe that such has not always been their state, and that we may still hope that under different and happier influences they may return again to the ways of honesty and peace. Bear in mind that all the while these evil influences were having full scope no voice of authority was raised sternly to denounce such teaching, no emblem of order or sign of law was put forth to check the violent and protect the weak. Reserve your indignation for the agitators who have worked this social ruin, and measure if you can the responsibility of those who have permitted them to secure such a great and disastrous triumph. (Cheers.) Before I proceed with the main subject let me refer to another—the question of land tenure in It has been pleaded that the Government could not bring in repressive legislation without first redressing the alleged grievances connected with the land. I am not opposed, nor was the Government of Lord Beaconsfield, to investigating and reviewing the existing relations between landlord and tenant in Ireland. On the contrary, a Royal Commission was appointed early in this year to enquire into it, and to see whether it was necessary to make changes or not. Mr. Gladstone's

Government issued another Commission. Neither has reported, and we do not know what their conclusions may be. But I say, pending that, we cannot be called upon to express any opinion as to what changes, if any, are necessary. (Hear, hear.) We, Irish and English Conservatives, will give a perfectly fair and frank consideration to whatever is found by these Commissions, and a fair and frank eriticism. We shall investigate them in no party spirit; we shall examine them candidly. But observe, the present Government disapproves entirely of the land programme of Mr. Parnell and his followers. If the Government brings in any new scheme, it will be mainly a scheme for securing the "Three F's," that is to say-fixity of tenure, fair rents, and free sale; but they have not the least idea of adopting Mr. Parnell's plans. They have said so often. Then I want to know from them what is the logic of their position? You are bringing in a measure to satisfy persons who have not broken the law, and you do not intend to bring in a measure to satisfy those that have. Why, pending the bringing in of your measure, should you not arrest those who have broken the law and whom you do not intend to satisfy? (Cheers.) What are the grievances of the Land League? One is the existence of property at all. (Loud cheers.) What is the other? The existence of the British Government. (Cheers.) Then what is the use of talking of conciliating them with the "Three F's? They have told you over and over again that this is not what they want. Then, why allow that to stand in the way of enforcing the law and guarding the rights of peaceable subjects? (Cheers.) But we Conservatives are rather taken to task because we have not given opinions upon this policy of the "Three F's." The policy of the "Three F's" is not now brought forward for the first time. It was brought forward in 1870, when Mr. Gladstone was dealing with the land question. It was the great rival scheme to his, and it was overthrown by Mr. Gladstone at that time After his Government went out and Lord Beaconsfield came in the scheme was brought forward again by the Irish members. They were opposed by the Government of Lord Beaconsfield, they were then also opposed by members of Mr. Gladstone's late Government, and among those who argued powerfully against their scheme were the present Attorney-General for Ireland (Rt. Hon. Hugh Law) and Lord Hartington. (Laughter.) I find in Hansard, volume 230, page 635—June 29, 1876—Mr. Law was reported as follows:--" But, Sir, it is needless to criticize these proposals further. Such proposals have been made before. They were made during the discussions that preceded the introduction of the Irish Land Bill, in 1870. They were referred to and examined in the luminous speech of Mr. Gladstone when he introduced the measure. He there showed the injustice and the impolicy of any such virtual transfer of property as must be involved in the compulsory establishment of fixity of tenure, and for himself and the Liberal Party which he led, emphatically pronounced against it." (Laughter.) Again, in 1877, Lord Hartington was still so strongly opposed to the "Three F's" that when it was proposed to issue a commission of enquiry into the working of the Land Act of 1870

in Ireland, although not hostile to such a suggestion on other grounds, "he should be averse" (even) "to an enquiry if it were supposed by the people of Ireland that it was intended to be a prelude to legislation on new principles, for the purpose of establishing fixity of tenure and the valuation of rents." (Laughter.) Is it not evident that the longer this agitation is allowed to go on the more embarrassed in every way becomes the position of the Government? The lawlessness grows wider and wilder, it will take a stronger, perhaps a bloody coercion to put it down; and you will have this difficulty in addition—the expectations of the peasantry every day become more extravagant and, far from satisfying them, any moderate proposals you can make by and by will be found to have been discounted beforehand. But while the Government is fumbling among blue-books to find something to support a policy which they formerly denounced and discredited, a policy on which I am advancing no argument—I reserve my judgment entirely—what is taking place in Ireland? I will quote the opinions of the judges. Judge Fitzgerald, who is no Orange Tory partisan, he has been all his life a Liberal of Liberals, and a Roman Catholic, and he is one of the greatest ornaments of the Irish Bench—he says, addressing the grand jury of Munster, "I do not wish to be guilty of exaggeration or to create excitement or alarm. I desire to express myself in the calm and measured language which best becomes one to whom the administration of justice is committed, and I should fall short of my duty if I did not point out that in a large portion of Munster true liberty has ceased to exist, and intolerable tyranny prevails. Life is not secure, right is disregarded, the process of the law cannot be enforced, and dishonesty and lawlessness disgrace the land." That state of affairs continues and is spreading over Ireland. (Shame.) The agitation which is now so well known as the Land League was founded at a village called Irishtown, in the county of Mayo, about 18 months ago. By whom was it founded? By two men named Davitt and Devoy. These men had been convicted in connection with the old Fenian conspiracy more than ten years ago. Devoy had been, it is stated, actively engaged in seducing soldiers from their allegiance in Dublin, while Davitt was sentenced on a charge of levying war against the Queen. The Fenian conspiracy had been successfully extinguished; there was no hope of soon again arousing the Irish people to open rebellion; but these two men with others conceived the policy of working for the same end by other means—namely, by a so-called constitutional agitation, aimed in the first place at freeing the occupying tenants of Ireland from payment of rent and getting rid of the landlord classes, who were described as the English garrison. Mr. Parnell afterwards allied himself with the Land League. He has thus described his own motives and objects. Speaking in America of the determination of the Irish tenant farmers to own the land, Mr. Parnell said, "We have been guided by the principle that it is better to buy a reform than to fight for it, but for my part I wish to say I believe in the right of the people of Ireland to own the land, and whether they get it by purchase to-day or by force of arms to-morrow it is the duty of every Irishman to devote his best energies to a solution of this great question." The conclusion of Mr. Parnell's speech was in the following terms :- "Six hundred thousand Irish tenants are beginning to find out that they are more powerful than ten thousand landlords, and when we have claimed the land for the people of Ireland, we shall have laid the foundation-stone for our country to take her place among the nations of the earth." With what temptations the apostles of this new gospel recommended themselves to the Irish people I have already explained, and the consequence you see before you. Speaking in my place in Parliament in last February of this agitation, I said "it could have no other effect than to incite the people to a bloody resistance to the law." I was severely taken to task for such language. I did not then retract, and I do not now regret those words. While Mr. Parnell was in the House of Commons, infusing a new spirit into what he calls the National party there, he and others pressed forward their propaganda among the peasantry in Ireland, and, aided by the bad seasons of last winter and spring, obtained a considerable following, especially in Mayo. At the time of the general election, Lord Beaconsfield warned the English people that Home Rule (with which the Radical party were coquetting in English and Scotch as well as in Irish constituencies) had entered upon a new phase, and he said it might prove, in its ultimate results, scarcely less disastrous than pestilence and famine. His farseeing warnings were little heeded and were, indeed, generally ridiculed by enlightened Liberal politicians. (Laughter.) There was at the time, no doubt, a general appearance upon the surface of calm and peace in Ireland, and Mr. Gladstone said, speaking on the 31st of March, in Mid-Lothian, of the condition of Ireland, that there was an absence of crime and outrage and general sense of comfort and satisfaction, such as had been unknown in the previous history of the country. Such was the state of affairs when Lord Beaconsfield's Government was supplanted by that of Mr. Gladstone. What was the first act of the new Ministry? They dropped the Peace Preservation Acts, in spite of the warning of the late Lord-Lieutenant of the danger of such a course. The Duke of Marlborough had been one of the most conscientious and popular of Viceroys; he had carefully studied the condition of Ireland. Forster, coming freshly to his office, able and laborious as I willingly admit him to be, could then know little about it. But Mr. Forster, as the organ of the new Government, proclaimed—with a light heart proclaimed—that he could govern Ireland by the appliances of the ordinary law. We now know that Mr. Forster had then before him the opinion, the practically unanimous opinion, of the stipendiary magistrates and other permanent officials in Ireland that it would be unwise and dangerous to dispense with those preventive measures. (Hear, hear.) In the month of June the Peace Preservation Act was allowed to expire. No sooner was the ordinary law declared to be sufficient than the licence of lawlessness commenced. No sooner had authority disarmed itself than agitation armed. The lower classes of the population were aroused by the prospect of impunity. The anarchy began. Then came the murder of Lord Mountmorres. Baron Dowse referred to this crime in his charge to the grand jury of Connaught. He said:

"You all recollect being startled on a morning in September last by the intelligence flashed over the country that Lord Mountmorres had been murdered when going home in the evening from the village of Clonbur to his residence, Ebor Hall, on the northern shore of Lough Corrib. To me it was most shocking intelligence, for in the early part of the year I had the unfortunate nobleman before me as defendant in a case in the Court of Exchequer, and he certainly seemed to be an exceedingly inoffensive gentleman. It was a terrible crime, and the perpetrator of it will probably never be brought before the bar of He must be left to his God and the miserable torture of his own conscience, if he possesses a conscience—a fact which I am somewhat inclined to doubt when I look at the condition of several parts of this country." It is not known, perhaps it will be never known, what were the motives that prompted that awful crime. It is believed by many in that part of the country well able to form an opinion that the murder was planned and consummated mainly in order to give prestige to the movement. As a peer he was notable, and his fate must attract attention, but he was poor, comparatively friendless, and an easy object for the assassin, who in the then state of the country was certain of immunity from punishment. Whether those were the results contemplated or not, they were certainly the results that did immediately follow; an immense increase of authority did immediately accrue to the Land League, and ever since any one who ventures in any matter, great or small, to resist the power of the Land League is at once threatened with "the fate of Mountmorres." (Cries of shame!) On the other hand respectable and law-abiding people were aroused to action; they naturally turned to the Executive, a deputation of more than 100 noblemen and gentlemen waited on the Lord-Lieutenant and Mr. Forster at Dublin Castle. They laid fully before them the state of the country. Those who lived in the worst districts told much the same story that has lately been expressed in the charges of the judges; others said that their districts were not yet seriously affected, but that the shadow of the Land League was already creeping swiftly over them; they implored the Government to interfere. What was the answer of the Government? Did they deny the reality of the crisis? No; they admitted it fully and that they knew all about it, and they asked the deputation for advice and sympathy. Laughter and derisive cheers. But it may be said-What would you have had the Government do? I will not shrink from the challenge. I was living at that time, as I have told you, in the most disturbed part of all Ireland, and I know it was, I may say, the universal judgment of all those persons, official and unofficial, best acquainted with the subject, best qualified to form an opinion on the spot, that, if at that time Parliament had been called together and the Government had obtained powers similar to those which were granted to Lord Hartington when he was Chief Secretary to the Lord-Lieutenant ten years ago-powers, I mean partially, and under well-defined conditions, to suspend the Habeas Corpus Act-I say it was believed then, and I now believe that all the worst features of the disease would have speedily ceased, and its further spread over the country would

have been prevented; and I will give my reasons. But first let me say that there is no man who detests more than I do any departure from the ordinary law, any interference with personal freedom. Most of all do I deprecate—so long as it can possibly be avoided—any tampering with that grand old writ of Habeas Corpus, which is one of the most ancient and solid foundations of the liberties of this Empire. (Cheers.) I can heartily sympathize with Mr. Forster in all his humane and freedomloving sentiments upon that subject. It is one of the pleasantest recollections of my public life that I took a prominent part in the Act of the Government of Lord Beaconsfield, by which, in the year 1875, the then existing Coercion Code for Ireland was so far modified and relaxed that, from being, as we found it, one of the severest, it became one of the mildest forms of preventive legislation that had been applied in Ireland during the present century. That was done as I know—for I was acting at the time as Solicitor-General for Ireland—after anxious enquiry and mature consideration; it was done with the approval of those permanent officials in Ireland whose long experience enables them to form a soild and reliable judgment in such matters. But we did not then think it wise, and we were advised that it would be unsafe, to part with those provisions which permitted the promiscuous use of arms by the people, or to abandon certain other moderate preventive powers, which, accordingly, the present Government found in existence when they came into office, but which they lightly, as I think and as I believe, against advice allowed to expire. (Cheers.) But now why do I say that a power should at that time have been given to the Lord-Lieutenant by his warrant to arrest, and for a time imprison, persons upon suspicion? Because it is the only way you can grapple with a conspiracy when it has grown so strong that the people of the country, either from sympathy or terror refuse to provide you with legal evidence against it. Let me explain how this would have acted in the particular case. The teachings of the Land League, however tempting, would never have taken the same hold of the minds and imaginations of the people that they had done, if it were not for the terror that accompanied them. It encouraged the evil-disposed, overpowered the conscientious, gave impunity to those who violated their contracts and the law, and made the obtaining of legal evidence and the other processes of ordinary justice practically impossible. And how was this terror produced? Not so much by the central organization of the Land League—at least not so much directly—as by a network of local conspiracies spreading over the face of the disturbed districts. In Mayo the surviving cadres of the old Fenian organization provided a ready machinery; in other parts of the country the plan was quickly copied. At the time I am speaking of there were in the counties of Mayo and Galway some eight or ten individuals, most of them dwellers in small towns, having little or no interest personally in the land They were the wire-pullers of the agitation. they organized the meetings, and either were themselves, or inspired the voices that shouted in the crowd for landlords' blood, and no doubt they helped to plan and carry out such murders as that of Lord

Mountmorres. Idle, loafing, spouting fellows, these gentry were perfectly well-known to the authorities, and could have been at once arrested on the passing of the Act, if, indeed, as is more probable, the shadow of its coming had not at once caused them to fly the country. (Loud cheers.) It is not necessary to point out how their confederates would have at once commenced to distrust each other, and the conspiracy, as has always happened before in similar cases, would have fallen, like a house of cards, to the ground. I believe the country would have then quieted down very quickly. Honest, law-abiding men would have plucked up courage. The harvest had been abundant the best for 30 years; the people were at first in good humour—well able, and in many cases, as I know, quite willing to pay their rents and debts if they dared. (Cheers.) If this be so—and it is the opinion, I believe, of every law-abiding citizen in that part of the country, that much of the horrors, the lawlessness, and the bloodshed we have since witnessed could have been averted by the temporary imprisonment or enforced absence of a few of the worst characters in the country—does it not seem intolerable to think that such a happy result should have been prevented by the obstinacy and ignorance of one or two members of the Cabinet who clung blindly to the bald and inapplicable dogma that "force is no remedy for lawlessness?" (Loud cheers.) Surely my friend Mr. Courtney was right when in his able speech the other day he asked them, "Are ye not too superstitious?" (Hear, hear.) But Mr. Forster, if he ever demanded those powers, yielded to stronger wills than his own, and instead of suspending the Habeas Corpus Act, he drafted over a handful of Marines from England. (Laughter.) November was signalized by the Boycott incident. Relief was sent to Captain Boycott. The men of Ulster gallantly did their work. But no sooner had they returned to their homes in the North than the iron tyranny of the Land League closed again over this isolated effort to vindicate the rights and liberties of loyal men. Then came the Cabinet Councils in November. It was well known in Ireland that Mr. Forster went to London bearing the advice of all the permanent officials that immediate measures of an exceptional character were absolutely necessary. It was believed that Mr. Forster was of the same opinion; but there were rumours of frightful internal convulsions within the vitals of the It is generally understood that those members of the Cabinet whose personal knowledge and official experience of Ireland made their opinions best worth having were in favour of an immediate Session of Parliament; but that the members for Birmingham, who knew nothing whatever about the Irish crisis (loud cheers) laid down the sage maxim that "force is no remedy for lawlessness." (Groans). However that may be, it seems that the Cabinet then concluded to adjourn the question and decided to decide nothing, and so poor Mr. Forster was sent back empty handed to Ireland, and the members for Birmingham made splendid speeches to their republican constitutents, in which they further enforced that wise maxim that "force is no remedy for lawlessness." In November Mr. Forster had instituted the prosecution of Mr. Parnell and the others, which is still gradually approaching a trial. I am told

that if it ever begins, which seems doubtful, the Crown will have to give evidence of about 105 meetings and speeches, and I suppose to examine about twice as many witnesses; how many the traversers may call I cannot guess; but the trial can hardly last less than five weeks, and I dare say before it concludes the spring birds will be singing gaily in the green woods As to the chances of obtaining a verdict for obvious reasons I make no observation. (Laughter and cheers.) In the month of November the anarchy in Ireland had assumed the form of a reign of terror, and Mr. Forster issued a memorandum to the magistrates, reminding them of some old Acts of Parliament. (Loud laughter.)\* Then came the winter assizes. I have already read to you the solemn words of Mr. Justice Fitzgerald, spoken in Munster. Listen to those of Baron Dowse, spoken in Connaught. He, too, is in politics a strong Liberal. He said :-- "This is neither the time nor the place to discuss the remedies for this state of affairs, except so far as the remedies are bound up with the law, the wise and firm administration of which I hope all will take part in during the present assizes. This, however, I will take the liberty of saying, for I think it is the time and the place to do so, that if this state of affairs is allowed to continue much longer immediate danger to Ireland will be the consequence and ultimate disgrace to the Empire of which she forms a part. No true friend of Ireland, no real lover of liberty, as contradistinguished from licentiousness, can dare approve of the state of facts I lay before you. I speak not alone in the interest of the victims of this reign of terror, as it is properly called, but also in the interests of the poor people themselves, who are too often the tools of men who are more crafty and designing than themselves. I speak in the interests of the whole country which in every part—from North to South, from East to West, in the study of the professional man, in the wareroom of the trader, in the home of the country gentleman, and in the cottage of the farmer—feels the terrible influence of this dreadful disease, some of the more dangerous symptoms of which I have laid before you. I hope it is not out of character for me to say that I fervently pray to God that this cloud of discontent and crime which is brooding over this province may be speedily removed, and that peace and happiness, truth and justice, may be once more established within its borders."

<sup>\*</sup>In reply to this memorandum, the subjoined memorial has been extensively signed by the magistrates of the county Cavan:—

<sup>&</sup>quot;To the Right Hon. W. E. Forster, P.C., Chief Secretary, Dublin Castle.

<sup>&</sup>quot;We, the undersigned magistrates of the county Cavan, having carefully read your circular of the 8th ult., defining our powers under the Acts 15, 16 George III., and 1, 2 William IV., desire to point out that we were already fully acquainted with the powers conveyed to us under these statutes, but that, owing to the terrorism exercised throughout the county by members of the Land League and its sympathisers, as well as by other societies, which renders the law powerless, it is absolutely impossible for us to obtain information sufficient to bring to justice the perpetrators of the outrages alluded to in that circular. Shopkeepers, farmers, labourers, and, in fact, all classes of society are coerced into joining the League, knowing full well that if they refuse to do so they are in imminent danger of having their houses burnt, their cattle houghed and their fences levelled, without even a remote probability of obtaining redress or protection from the law. We are anxious to do our duty to the utmost of our power, and regret that, in consequence of the reasons already stated, it is impossible for us to deal with the offences mentioned in your circular. We also earnestly request you to inform the Government that, in our opinion, immediate measures should be taken to protect life and property. We feel called on to make this reply to your circular, as it might be inferred that we were either ignorant of or unwilling to do our duty; and also to relieve ourselves from the responsibility of the present state of affairs.—We are, &c."

Much to the same effect was the charge of Mr. Justice Barry in Leinster, though, of course, the agitation had not yet assumed in those eastern counties quite such formidable proportions; but it was advancing, and has been advancing there ever since; and in Belfast Mr. Justice Lawson warned the Government that even in Ulster the intimidation which had so long prevailed in the south and west of Ireland was gradually but surely spreading. These two last mentioned judges are also Liberals in politics. In such circumstances it was not wonderful that a Cabinet Council was suddenly summoned. But what has been the result? It is now all admitted—the lawlessness, the anarchy, the reign of terror, the ruin to Ireland, and shame to the Empire—it is admitted that the ordinary law is insufficient, that exceptional powers must be obtained. But we are to wait for that until the 6th of January, or some other day to be hereafter named by permission of the members for Birmingham! Meantime, in the language of Judge Fitzgerald, so far as Ireland is concerned, "liberty is not to exist, and intolerable tyranny is to prevail; life is not to be secure; right is to be disregarded; the processes of the law are not to be enforced; and dishonesty and lawlessness are to disgrace the land." Does not this thing seem incredible? (Cries of Shame.) I could understand it if they denied the anarchy or denied the necessity of exceptional legislation; but to admit both one and the other and leave them so for another three weeks! Is this another attempt to patch up the split in the Cabinet? Is this another concession to the Birmingam proposition that "force is no remedy for lawlessness?" If it is, does not this wise saw sound, in the presence of the crisis I have described, but pompous, empty, trifling? Has not the union of ignorant arrogance with well intentioned weakness been consummated in that compromise? (Loud cheers.) Can it be true that Mr. Forster has gone back to Ireland merely to assist the Lord-Lieutenant in looking on, as from a stagebox, at this Christmas pantomime of lawlessness and riot? And while troops are pouring into Ireland as if in expectation of a considerable civil war, the whole hierarchy of Government and law seems paralyzed from the Viceroy to the process-server, in a country where trial by jury has become a farce, and the Queen's writ has ceased to run. Landlords and agents can no longer collect rents or recover their lands, save at peril of their lives. Those who have charges on the land, the widows and younger children and incumbrancers who have no other income, many of whom gave time and lived on credit in the last bad year, are now, in a year of plentiful harvest, left penniless. The shopkeepers, who depend on these better classes, are going bankrupt. The humbler traders exercise their calling in constant dread of being "Boycotted" if they in any degree displease the members of the League. Railway and steampacket companies can, in some instances, only carry goods or passengers by its permission. And so as the flood of lawlessness rises it undermines one after another those buttresses of middle-class respectability; they give way and fall into the torrent that is sweeping all before it. In fact, those who have anything to lose are coming in additional numbers to the conclusion that they have a better chance of preserving their property by throwing in

their lot with the Land League than by running the risk of opposing it, and now they know that without remedy they must remain for another month, at all events! Business has not been so thriving lately that they can afford that kind of self-sacrifice much longer. Trade stands still, commerce is paralyzed, capital flies from the country, society is relapsing into savagery, and government is supplanted by anarchy; and Ministers meanwhile look on with the complacent remark that "force is no remedy for lawlessness." And the people—aye, the Irish people !—what sort of lessons are they learning? Lessons of classhatred, of disregard of honest dealing, of law overturned and violence triumphant. The people are rapidly treading backwards the steps which, slowly but steadily, they have now for many years been making in the paths of prosperity, peace, and loyalty; while their eyes are kept firmly fixed upon that ultimate goal to turn them away from which has been the policy of every English statesman for a century; they are coming more and more every day to believe that as Mr. Parnell has triumphed in every trial, so will he achieve for them that independent nationality which he, no doubt, desires, but which can mean nothing else than the breaking up of the British Empire. I cannot believe that English public opinion has fully realized the gravity of this crisis; and if I have seemed to any of you to have spoken too strongly, I pray you to remember that I have founded my remarks not only upon what I have myself seen and heard, but also upon the calm, impartial statements of the highest judges of the land; and forgive me if I appeal to you, and through you to the law-abiding people of England, to stand between my country and ruin. (Loud and continued cheering.)

The resolution was carried unanimously. Other speeches followed, Lord Galway, in the course of some remarks, saying that he believed there was not a Liberal who gave a vote at the last election who did

not regret that vote so far as Ireland was concerned.

Aport for sills first and teneral fines by remain the risks of copesing it, and new they have that will sent promises the real of the real

Described and construction of monoined and construction of the property of the property of the property of monoined at the property of the pro

Too sunt voto so all as landard was constructed.

### THE STATE OF IRELAND.

#### SPEECH

DELIVERED BY THE

### Rt. Hon. D. PLUNKET, Q.C., M.P.,

AT

#### LEICESTER,

ON

MONDAY, DECEMBER 13th, 1881.

PUBLISHED FOR

THE LEICESTER & LEICESTERSHIRE CONSERVATIVE CLUB, BELVOIR ST., LEICESTER.

The state of the s

#### THE STATE OF IRELAND.

A MEETING of Conservatives was held on Tuesday evening, December 13, in the Leicester Temperance Hall, to consider the state of Ireland. The hall was densely crowded, and the meeting was enthusiastic. Mr. Albert Pell, M.P., presided, and many of the neighbouring gentry attended. A resolution, "that the present deplorable condition of Ireland demands immediate and energetic action on the part of Her Majesty's Government with a view to the restoration of law and order and the security of life and property," having been proposed by Major-General Burnaby, M.P., and seconded by Mr. Heygate, J.P., Mr. Plunket, who was received with great cheering, after some preliminary remarks, said: Gentlemen,-I am grateful to you for the opportunity you have given me of speaking to you this evening, and of telling you, and whoever may read my words, what is really happening in Ireland at this moment. For I deem it of urgent importance that loyal, law-abiding men throughout the three kingdoms should realise the amazing and awful fact that, bad as has been the state of my unhappy country during the last twelve months, great as has been the peril to society in Ireland, and even to the safety of your empire, never before have these difficulties and dangers been so great and formidable as they are at this moment; and the gloom grows darker every day. If it were merely my purpose this evening to make a party attack upon the Government, I could spend all the time that you could give me, and much more, in recalling the history of recklessness and timidity, of weakness and procrastination, of divided counsels and disastrous delays that have made acts of the largest concession come to a demoralised people without conciliating them, and acts of strong coercion to fall upon them almost without effect. One might expend all the epithets of condemnation and all the ammunition of ridicule without exhausting the topic of this dismal failure to govern. (Hear, hear.) But to-night the dangers of the present and the future to all that is dear to both great parties in the State are too grave for such treatment (hear, hear), and I desire, in the first place, at all events, to realise for you, if I can, the actual state of affairs in Ireland (hear, hear), and to rouse the people of this country, so far as my voice can reach, from the apathy in which it and its Government seems to be steeped. (Applause.) You have read, no doubt, from day to day, in the news that comes from Ireland, awful instances of agrarian crime, and of the state of terrorism that they have produced (hear, hear); you have read of instances of the oppression of the poor, and of the robbery of the rich, by the action of that lawless organisation which has so long been allowed to overpower the authority of our gracious Queen, and the laws of the realm, till you have begun, perhaps, to think that these are merely sensational stories of newspaper correspondents; and I observe that Liberal politicians tell you that they are but the consequences, inevitable and hardly to be regretted, of an agitation whose objects have been satisfied, and that they still appear as the ocean swell survives the storm which has spent its force. (Applause.) Gentlemen, I have lived the best part of the last three months in Ireland, and I have watched the crisis which is upon us: I have taken counsel with the wisest men I could find on the spot, and now I tell you that the newspaper reports are not exaggerations. I do not speak, of course, of every incident narrated, but of the general meaning of the testimony which they bear. I tell you that murder and arson are rife throughout the greater part of Ireland, and the terror which accompanies such acts of violence in Ireland adds force to the intimidation which is practised there by conspirators who go unpunished and undismayed. (Shame.) I tell you that the oldest men cannot remember a time when the conscience of the Irish people was so demoralised, and the attitude of the lawless so fierce and defiant. I could tell you, from what I have myself seen and heard, tales of the wrongs and sufferings of individuals that would make you blush for shame, and of the ruin of unoffending families that would wring your hearts with pity for these loyal subjects of your own. (Applause.) But it might still be said that I was an excited partizan, misled by antagonism to the aggressors, or by sympathy with their victims. I will therefore trespass upon your kind patience while I found myself upon official documents which cannot be gainsaid; and the deliberately recorded opinions of the highest and most impartial public officers who serve the Crown in Ireland. I will not now recall the statistics of agrarian outrage which form the earlier annals of the Land League; these were stated and proved in both Houses of Parliament by Ministers when they asked for large powers of coercion to repress, and for large measures of concession to conciliate the agitators. What I want to impress upon you is this—that, bad as was the case then, it has since become worse, and is growing daily more desperate. Three months have elapsed since the Land Act was passed—six months have passed since the Coercion Bills were carried into law; yet such has been the utter failure of the Government (applause) that the present state of Ireland is absolutely worse than it was a year ago, and that its future seems at this moment to be more gloomy than ever. (Applause.) Here is the Dublin Gazette of last

week; let me quote some figures from this official return of agrarian crimes for November, and compare them with the corresponding record for the preceding month of October. There was a terrible total of 490 agrarian offences in that one month of October, but in November the total rose to 520; and let me observe that it is, unfortunately, in just the class of crimes which most strike terror and add to the authority of the conspiracy that the increase is greatest. number of offences of firing at the person in October was 7, in November it was 17; of firing into dwelling-houses in October, 14, in November, 28; of incendiary fires and arson—perhaps the most dreadful of all forms of terrorism as the winter closes in more darkly around the dwellings of the people (hear, hear)—of incendiary fires and arson there were in October, 7, in November no less than 46! (Sensation.) It needs no words of mine to make you feel what must be the effect, quite apart from the heinousness of these crimes, of such events upon the minds and imaginations of an excitable people. (Hear, hear, and applause.) But let me bring before you another kind of evidence even more striking and conclusive. During the last week the Winter Assizes have been opened in Ireland. I will quote a few passages from the charges of the learned Judges to the grand jury in each of the three Southern Provinces. In Connaught, Baron Fitzgerald said: "The most alarming feature of the country is that in the face of the determined efforts of redress which the Legislature afforded, the class of agrarian crimes continued, increased, and was still increasing." Mr. Justice Barry, speaking last Wednesday to the grand jury in Kilkenny, said, in the course of his most interesting charge: "It is impossible for any candid man to deny that we are in a worse state this December of 1881 than we were in 1880. It is clear to every man that there is more discontent, disorder, party intimidation, and general lawlessness in the country than there was twelve months ago; day after day we hear of crimes of violence of every degree—murder, violent assaults, incendiary fires, posting threatening notices, and intimidation which indicate not merely ordinary crime, but a general insubordination and defiance of authority." And all this in spite of the recent Land Act, which Judge Barry describes as exceeding "what the most fanatical advocate of the tenant-farmer ever in his wildest moments of imagination had conceived." (Loud applause.) But the most remarkable of the three is the charge of Mr. Justice Fitzgerald, delivered last Tuesday to the grand jury in Cork. He, like Judge Barry, is in religion a Roman Catholic, and in politics an advanced Liberal. You will remember with what courage and foresight this learned and independent Judge warned the people and the Government in the winter of last year of the anarchy which was then growing apace in Ireland. (Hear, hear.) In his recent charge he refers to that earlier statement, and says that though the observations he then made were subjected to severe criticism, he has nothing to retract, nothing to alter, nothing to wish unsaid; and then, having carefully analysed the various calendars of offences which were before him for the present time, he says: "The general deduction from the statistics which I have laid before you seems to be that in many and large parts of the four counties which constitute the Munster Winter Assize Commission, life continues to be insecure, or is rendered so miserable as to be worthless; right is disregarded and property is unsafe; the spirit of lawlessness and disorder, marked by an insolent defiance of law and of authority, continue to prevail: it is only by the aid of an overwhelming military force that the process of the law can be executed; the humbler classes continue to be oppressed by an odious tryanny.

The list of outrages, after making all deductions for exaggeration and eliminating all cases of ordinary crime, still leave a list of outrages so formidable as to be inconsistent with public peace and security, and which, if suffered to continue unchecked and unrepressed, threaten the very existence of the fabric of society." (Applause.) Judge Fitzgerald also refers to the Land Act, which he, too, says the most sanguine advocate of tenant-right could not have anticipated twelve months before (hear, hear), and he asks, "Has the public obtained the fruits in the restoration of peace and order?" to which question he answers, "Certainly not as yet in Munster. Are we, therefore, to give way to despondency? It is too soon to despair." And then he notes as one element of hope that the intelligent farmers appreciate the great concessions they have received, and are as a class inclined to withdraw from the trammels of illegality. The people at large, too, he adds, "cannot fail to perceive that the results of the present state of the country are that capital has fled the country, there is no industrial enterprise, no employment for the labouring classes, trade does not flourish, and I should fear to estimate the immense depreciation of all Irish securities and Irish properties," and he calls upon all men to join for the restoration of peace and order. (Hear, hear.) Gentlemen, no one can fail to sympathise with the Judge in his eloquent appeal to his fellow-countrymen. (Hear, hear, and applause.) I opposed the Land Act of this year, and I anticipated that it would do great injustice. (Hear, hear.) My worst fears have been realised. The Act seems likely to work even less good and greater evil, and a more immediate and wholesale ruin of the most needed classes in Ireland even than we then predicted (hear, hear); but I would gladly snatch at any ray of light, even from that baleful planet, which seemed to point a way out of the gathering darkness of the present moment. (Applause.) But I ask you how this element of hope, which alone stands between Judge Fitzgerald and total despair, is to be developed. How is that or any other influence to hold its ground on the side of law, or strike a blow in defence of order, if all this crime and terrorism is suffered to continue—nay, steadily to increase? (Hear, hear, and

applause.) No, I will not despair of my country. (Applause.) As long as I have power to act, or voice to utter, I will struggle for the liberty and the happiness and the honour of Ireland (loud applause), which, in the midst of all this misery and shame, has still for me proud traditions and happy associations. (Applause.) But all the more do I appeal to you and to the Government at least to realise the awful gravity of the present moment, and cast away the dangerous doctrines, the mumbling superstitions of some of their followers, which have hitherto hampered and still seem to paralyse their every act. (Loud applause.) Gentlemen, I have as yet said nothing of the effects this reign of terror and the refusal to pay rents have had upon those classes in Ireland whose income is derived from the ownership of land. Time will not permit me, nor indeed do I desire, to harrow your feelings by tales of individual hardship, endured by loyal men of blameless lives ending too often in absolute ruin of themselves and their families. (Hear, hear.) I could tell you of ladies, delicately nurtured, and unused to hardship, sinking day by day into absolute penury after enduring all the other humiliations (shame), and of poverty, driven at last to the door of the poorhouse (shame)—aye, and in one instance of which I myself know, driven within the walls of the lunatic asylum. (Sensation, and cries of "Shame.") But let us now turn to the attitude which the Government has taken up in the presence of the grave crisis which I have sought to realise for you. (Hear, hear.) Gentlemen, some very remarkable speeches have lately been delivered by Cabinet Ministers on this subject. (Hear, hear.) I allude more particularly to those of Lord Hartington and Sir Wm. Harcourt on the one hand, and of Mr. Chamberlain on the other. (Laughter and cheers.) The two former speakers offered apologies for the condition into which Ireland had been brought by their policy, and combined with those excuses very daring attempts to shift some of the blame on to the shoulders of their predecessors in office. (Laughter and applause.) I was rather amused than annoyed by the charge that the Conservative Government were responsible for the present state of Ireland, because they had not sooner inquired into the Land question with the view of redressing the alleged grievance (laughter), for I remembered that, as a matter of fact, they had before leaving office issued a Royal Commission for that purpose (hear, hear), and I could not help smiling when I remembered that only three years before the accession to office of the present Government (in 1877)—on an occasion when it was proposed by an Irish member to issue a Commission of Inquiry into the working of the Land Act of 1870, what was the attitude of Lord Hartington. Why, gentlemen, he was then still so hostile to the policy of the three "F's" afterwards adopted in the Act of 1881 that he said, speaking as leader of the Liberal Party, that, though not opposed to such an inquiry on other grounds, " he should be adverse to it

if it were supposed by the people of Ireland that it was intended to be a prelude to legislation on new principles for the purpose of establishing fixity of tenure and fair rents!" That is funny enough to think of now. (Laughter and applause.) But when I read that these two distinguished but unhappy Whigs (laughter) charged the late Government with not having mastered obstruction in the House of Commons, I could not help laughing outright. fully agree that unless both parties in the State work cordially together to put down obstruction it cannot be done. (Hear, hear, and applause.) But has Lord Hartington forgotten the kind of aid we got when in office from many who were then his supporters, from some who are now his colleagues? (Applause.) Indeed, I recollect that an Irish member, when charged during the debates of last Session with practising obstruction, reminded the Minister who had thus taunted him that when the Liberal Party were in opposition there were no such friends of Ireland as they. (Applause.) I remember well that Mr. O'Connor distinctly stated that when the members of the Irish party were indulging in obstruction "that the Liberal members came and privately told them how the game was to be played (laughter), that their greatest skill lay in disposing of the good manners of the Irish members, and that their higher prestige came to the assistance of the beleaguered Irish," and so on. (Laughter and applause.) That challenge was openly made in the House of Commons. It was never taken up, and I venture to predict it never will be answered. (Hear, hear, and applause.) But further, these two distinguished statesmen argued that they did not create the Land League, that it was in existence before the general election of 1880, and they added, "your Peace Preservation Bill was too weak for the crisis." This was rather a reason, one would think, in favour of their getting a stronger one instead of their dropping it altogether, as they did. (Laughter and applause.) Whether the Peace Preservation Bill would have proved insufficient if it had been maintained and firmly administered by the late Government, I do not know; but I do know that we were pledged to continue it and to enforce it, and to demand such further measures of precaution as might have been necessary to keep down the agitation and prevent it from spreading and gathering force. (Hear, hear.) I know that the present Ministers, on coming into office, deliberately abandoned it, that after they had left the country twelve months without it they came to Parliament again and begged for its re-enactment, and by the mouth of their Home Secretary they humbly admitted that in trying to get on without it they had made a generous experiment, "but that it was an experiment which had failed." (Laughter.) This curious theory about the mildness of the Peace Preservation Act of the late Government, which I observe has become fashionable with Liberal advocates, is but another weak attempt to shift and share the blame of their own disastrous mismanagement. (Hear, hear, and

applause.) I take the whole bundle of such apologies, and I say that before the general election of 1880, Lord Beaconsfield, (loud and enthusiastic cheering) had recognised the gravity of the crisis (applause) which the Land League was creating, though then the scope of its operations was strictly limited, and the deadly influence of its teachings was almost entirely confined to the narrow area of a faminestricken district. (Hear, hear.) The old Irish difficulty had entered upon a new and formidable phase. (Hear, hear.) It required the most patient, but at the same time the steadiest and the firmest treatment. (Hear, hear, and applause.) I say that Lord Beaconsfield (loud applause) had the wisdom to foresee and the courage to warn the people of the magnitude of the danger (applause), and staked his reputation as a statesman and the fate of his Administration upon the justice of his apprehensions, and the necessity for a calm but uncompromising hostility to the agitators. (Loud cheers.) And I say to these Whig apologists," You chose an opposite course, you professed an optimist opinion as to the state of Ireland, you sought and obtained the support of the Land Leaguers at every contest where the Irish vote had power. (Applause.) I know that after you had turned out our Government you were again warned of the danger, and offered every assistance in our power if you would deal resolutely with it (hear, hear); and now, when you have allowed the Land League to grow and spread, till nearly the whole island is enveloped in its deadly embrace, and you have at last been driven to adopt far more stringent measures, it is far too good a joke to turn round and say 'the League was in existence in the time of Lord Beaconsfield, and his Peace Preservation Act was too mild a measure.' " (Loud applause.) I think such poor recriminations seem but sorry stuff in the presence of the great revolution which is being accomplished in Ireland to-day (hear, hear), but I dare say they fairly enough reflect the feebleness and vacillation which have marked the career of these modern Whigs all through this Irish crisis. (Loud applause.) But there is another member of the Cabinet who has spoken lately upon this subject. He makes no excuses for the Government, he palliates nothing, he does not seek to share the responsibility with his predecessors in office. Why should he? He stands over his past policy and its results; he takes no notice of his penitential colleagues—these vague persons and their vain excuses. (Laughter and cheers.) This is Mr. Chamberlain. Consider for a moment and you will see that he is the man whose views and whose will have controlled the Government at the most critical conjunctures of their Irish policy. (Hear, hear.) Believe me, he is the man with whom in the future we shall have to count. (Hear, hear.) He is in the House of Commons and in the country the special leader of a well-defined party. (Hear, hear.) They may not be the ablest or the best statesmen, but they are the most vigorous. (Hear, hear, and applause.) This section of the Liberal Party can break it up at any moment,

and I daresay they don't much care how soon. (Laughter.) They are, therefore, always masters of the situation. (Applause.) Perhaps this is not likely to come to pass so long as Mr. Gladstone chooses to remain Prime Minister. Mr. Gladstone still holds together the heterogeneous majority which he snatched at the last general election as an old eagle grasps his prey in his talons. (Laughter and applause.) But Mr. Gladstone has lately made his political will and named his political executors, and eminent Liberals have been bewailing the hopeless confusion which will follow in the Liberal Party when Mr. Gladstone retires from the stage (laughter), and leaves the Whigs and Radicals to their own devices. I venture to predict that when that time comes Mr. Chamberlain will not long fail his followers for a leader. (Applause.) But be that as it may, so far as this Irish question is concerned, Mr. Chamberlain alone claims credit for absolute consistency. If you sum up his policy as he revealed it the other day at Liverpool, it will appear that he did not approve, and indeed he was willing to punish the crimes that accompanied the Land League, but he was not willing on any account seriously to interfere with the agitation. He desired a strong Land Bill for Ireland, and in order to carry it over the heads of those who might differ from him in Parliament (hear, hear), this agitation was necessary. (Loud applause.) That is the impression which the most important part of his speech left on my mind. (Hear, hear.) He seems to think that he has no reason to regret it; he says if it had to be done he would do it again; in fact, he wanted a certain article, namely, the Land Act, and he considered that the continuance of Mr. Parnell's agitation was not too high a price to pay for it. That is a fair issue. Let us consider now briefly what was the article which the nation, under Mr. Chamberlain's influence, has purchased in the shape of this Land Act, and what is the price which the nation has paid, is paying, and is likely still to pay for the bargain. (Hear, hear.) I shall not now attempt to weigh the abstract merits of the Land Act. Everybody knows that it was a retrograde measure, not defended on grounds of sound principle, but of alleged expediency. (Hear, hear.) I desire only to consider what have been the actual results its working so far. Neither shall I now attempt to peer into the future, nor ask how far it will satisfy the hopes which were raised while Mr. Parnell's agitation was tolerated for its sake; I will not venture to forecast whether the tenantry who have so long enjoyed their lands practically rent free will willingly pay the rents adjudicated by the Land Commission. (Hear, hear.) I wish at present only to call your attention to this article that was purchased by those twelve months of bloody agitation, and inquire how the Land Act of 1881 has so far been working. No one is more opposed to the so-called principles of this Land Act than I am. (Hear, hear.) But once it passed, my desire was that it should work not only the least possible harm to the landlord, but also the

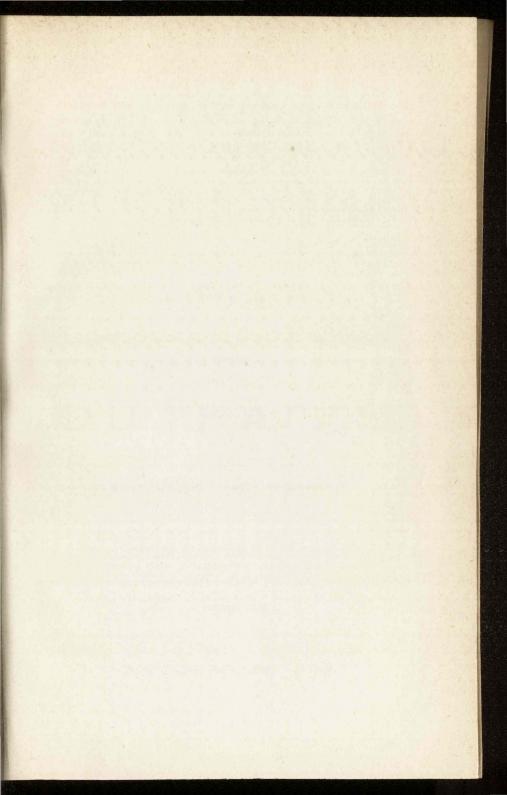
speediest reconciliation between the various classes of society in Ireland. (Hear, hear, and applause.) I am sorry to say that, so far, all such hopes have been disappointed. It ought to have been administered from the first on broad principles. (Hear, hear.) For instance, rents long ago fixed, and always hitherto paid, ought to have been respected (hear, hear); ample justice should have been done where real wrong was proved, but there should not have been petty interferences. (Hear, hear, and applause.) But it is one of the most mischievous consequences of the long triumph of Mr. Parnell's teaching that the enormous concessions made by the Land Act to the tenant were discounted beforehand (hear, hear, and applause), and the great object of securing for the Bill a hearty reception from the Irish peasantry was exactly defeated by this policy of "masterly inactivity." (Applause.) And so in order to win away the peasantry from the standard of "No Rent," it must have seemed to those who had to administer the Act a temptation amounting almost to a political necessity to hold out the expectation of interference with existing contracts in every case. (Applause.) The result seems to be, as far as we can yet judge, that, with scarcely an exception, the rents brought into Court have been lowered all round. (Hear, hear.) This is exactly the opposite of what was professed by the Government who passed the Bill. (Applause.) The procedure by which the Act is enforced would be most comical, if the results were not so serious. You know that the duty of fixing fair rents has been delegated to sub-commissions. How are these sub-commissions composed? In each case there is one barrister who, with scarcely an exception, has such little standing at his profession that his appointment to any other judicial office would be treated with derision. (Laughter and applause.) The lay members are in many instances farmers, who, even if their sympathies permitted them occasionally to decide for the landlord, would run the risk of having their cattle houghed and their hay ricks burned. (Hear, hear.) I have heard of one case, for instance, in which such a Commissioner sat within ten miles of his own farm, and the disturbed state of the district may be judged from the fact that there were two extra police barracks in the village, and a land agent, coming into court to give evidence, was protected by six constables. I am told that the applause of farmers in the court-house follows every popular decision, and a deep angry hum, like the sound of the sea, marks any disappointment of their hopes. Lay Commissioners sit as co-ordinate members of the Court, with lawyers to hear legal arguments they don't understand (hear, hear), and the unhappy lawyer is taken steeplechasing over the country to examine soils and improvements of farms of which he has no knowledge. (Laughter and applause.) The time available is necessarily very short, and so they value large farms in an hour and a half which would take at least two days to inspect seriously! But the result of all this absurdity is that

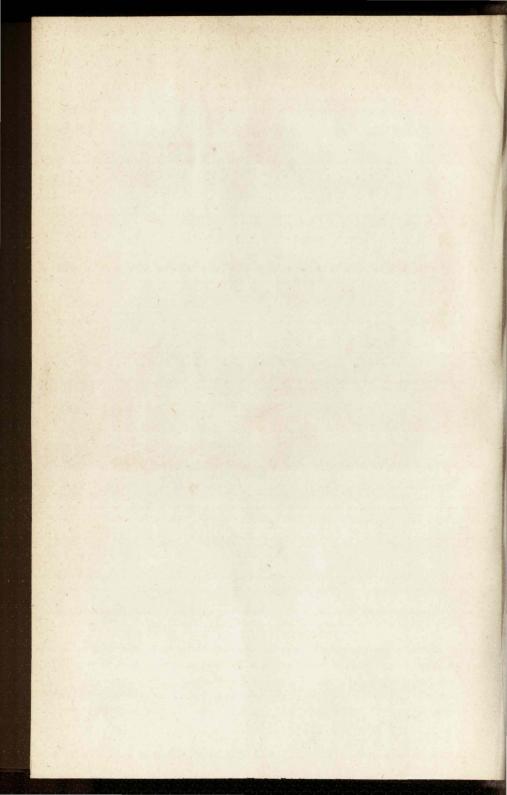
the rents of the landlord are being reduced all round, I am told so far on an average of at least 25 per cent. The Act was asked for to redress exceptional injustice. It seems to be used to wean away the people from the Land League, by the sacrifice of all landlords, good and bad. (Hear, hear.) The delays of an over-worked Court, combined with non-payment of rent, will starve many landlords into submission-not because they doubt the justice of their cause, but because they cannot afford to wait. (Hear, hear.) If this goes on, the result will be that while some of the greater landlords, even now usually absentees, may weather the storm, the smaller men, who form a most useful element of country life, will disappear. (Shame.) These men, who are friends of British connection, and local centres of civilization, will vanish; and with them the light of Protestantism will go out in the outlying parishes of the south and west. (Shame.) I cannot now enter on the large question of compensation, but it seems clear as daylight that if these proceedings be sanctioned and confirmed, compensation must be made to the landlords, or else in the name of justice to one class of the people the greatest wrong will have been done to another. (Applause.) I say that if you regard these proceedings as a real valuation of rent, it is a farce (hear, hear); if you regard it as a Court of Justice or arbitration, it is a trap in which a vast number of the landlords of Ireland will be ruined and nearly all of them robbed (hear, hear); but if it is to be regarded as a last resource to conciliate the peasantry by sacrifice of landlords' property, then the only parallel I can find for this wholesale abatement of legal obligations is in the old parable of the unjust steward, who, when he wanted to make friends with the mammon of unrighteousness, called to him the debtors, and said, "How much owest thou to my lord?" "A hundred measures of oil." "Take thy bill, sit down quickly, and write fifty." (Laughter and applause.) Let us now turn again for a moment to the price which this nation has to pay for this measure. Did the Government realise what that delay of twelve months meant in its influence upon the minds and habits of the Irish people? I have spoken of outrage, I have quoted the Judges as to the open defiance of the law which is still increasing in Ireland. These are but the outward signs of an inward disease, which is far more terrible. (Applause.) That is what is meant by the demoralisation of a people. (Applause.) For twelve long months they have been combined in an organisation in defiance of the law, and in defiance of the teachings of the most respected ministers of their religion. (Hear, hear.) They were also drilled so well during that time in the partial non-payment of rent that, as Mr. Parnell said to his interviewer at Kilmainham, they have found it much easier to continue in refusing to pay rent at all. (Hear, hear.) Every day, aye, every hour, the poison was creeping further into every vein of the social system. (Hear, hear.) In such times of revolution moments are more precious than months in

times of tranquillity (hear, hear), but the mischief was allowed to work and burrow into the hearts of the Irish people, and at last they are openly told that by their conspiracy they have achieved the greatest concession that was ever conferred on the peasantry of any country, and that their agitation was suffered to go on because without it that concession could not have been obtained. (Applause.) But let us now suppose for a moment that law and order is at last restored in Ireland. Suppose that some landlords are left to struggle on with what remains of their property, and that in good times the new Land Act is given a full trial, what think you will happen when next a bad harvest comes, and there is a difficulty in paying the adjudicated rent? Will not the generation of men who have passed through the last twelve months remember the halcyon days when Jack Cade was king, when no rents were paid, and when money poured in from America to support them'; and when their combined resistance to the law was at last crowned with such amazing advantages? (Loud applause.) How think you the experiences of this last twelve months will encourage or defeat another agitation, should it also be hereafter preached from the Irish in America, and supported by their dollars—an agitation which shall have, perhaps under the fair-sounding name of Home Rule, no less a purpose than the dismemberment of your empire? (Hear, hear, and applause.) Gentlemen, a multitude of other topics suggest themselves to me, but time will not now permit me to enter upon them; but there is one important point that I wish to raise before I conclude these observations. The friends of the Government on all sides assure us that they will not propose any change in the Jury Laws of Ireland, founded upon the report of the Lords' Committee of last year. Will they ask next Session for a renewal of the Protection of Life and Property Act under which Mr. Parnell and some 333 other prisoners are now detained without trial in prison? (Hear, hear.) I ask this question because I see that amongst that number fourteen are so imprisoned because, as this official return, which I hold in my hand, states, they are by the Government reasonably suspected of the crime of murder; eight others with the crime of shooting with intent to murder, and eight more for treason. I ask whether, when the Protection of Life and Property Act expires next autumn, these men are simply to be let loose on society? (Hear, hear, and applause.) Gentlemen, I thank you again for the opportunity you have now given me of laying before you a terrible, but, I am sorry to say, not an exaggerated picture of the present state of Ireland. I do not forget or wish to underrate the immense difficulties of the task which it seems that Mr. Forster is left alone to confront. But I would warn the Government that all their acts of vigour have failed hitherto because they have been too long delayed; "too late, too late," is the hopeless burden of their song. (Hear, hear, and applause.) I am certain that it is with no feeling of hostility to my countrymen, but, on the contrary, with the strongest desire that

they should be brought again into amity and peace with England, that we join to-night in urging the Government to take effectual measures for the re-establishment of law and order in unhappy Ireland. (Loud applause.) But if they are to succeed in that there must be firmness and constancy as well as vigour shown by our present rulers, or Ireland will continue to drift, day by day, deeper and deeper into lawlessness, crime, and anarchy, and further away from the union with free and happy England. (Loud and prolonged cheering.)

The resolution was carried with acclamation.





#### THE CONDITION

OF

## IRELAND.

A STATEMENT

OF THE

# OUTRAGES,

ON PERSON AND PROPERTY,

REPORTED IN THE PUBLIC PRESS

DURING THE

Seven Months ending Dec. 31, 1880.

MOTITATION THE

# RELAND

A STATEMENT

## OUTRAGES.

ON THROOK AND PROPERTY

LEFORMED IN THE PUBLIC PRESS

DATE DELLEG

Seven Worths ending Det. 3x, 1880.

#### THE CONDITION OF IRELAND.

It may be instructive to place before the public a few remarks by eminent public men upon the past and present state of Ireland, as well as a record of the agrarian outrages which

have prevailed for the last few months.

This list does not, and cannot, profess to give more than the most meagre account of the atrocities which have been perpetrated. It is universally admitted that a very large proportion of such occurrences has not been made public, owing to the prevailing terrorism which has prevented the unhappy victims from making known to the magistrates and police particulars of the intimidation or outrage to which they have been subjected.

In introducing the Peace Preservation Bill, in 1870, Mr. Chichester Fortescue, then Irish Secretary under Mr. Gladstone's Government, stated that he believed "there had been no year in Irish history in which agrarian crime was at so low an ebb as it was in 1866." . . . "The outbreak of agrarian crime with which

we have now to deal dates from 1868."

(The number of agrarian outrages in 1869 had amounted to 767.) In 1871 Lord Hartington brought in a Bill to put down Ribandism in Westmeath, Meath, and King's County. His Bill passed, the ringleaders at once left the country, and Ribandism immediately collapsed. The description which Lord Hartington then gave of Ribandism applies almost verbatim to the present state of Ireland under the rule of the Land League. He said:—

"Such a state of terrorism prevails that the Society has only to

- "issue its edict to secure obedience; nor has it even to issue its edict; its laws are so well-known, and an infringement of them is followed so regularly by mur-
- "derous outrage, that few can treat them with defiance.
- "Riband law exerts such power that no landlord dare "exercise the commonest rights of property; no farmer
- "or other employer dare exerce his own judgment or
- "discretion as to whom he shall employ; in fact, so far does the influence of the Soc ety extend that no man
- "scarcely dare enter into open competitition in the fairs

"or markets."

Speaking of Ireland at Mid-Lothian, on March 31, 1880, before his Government again came into office, Mr. Gladstone said:—

"There is an absence of crime and outrage, and a general sense of comfort and satisfaction, such as was unknown

"in the previous history of the country."

The Peace Preservation Act was allowed to lapse in June, although the Irish magistracy, when appealed to, had declared their almost universal opinion as to the absolute necessity of retaining its provisions, and the change that has come over the country may be best imagined when we find Mr. Osborne Morgan, M.P., a member of the Government, speaking at Bristol, on Nov. 15, 1880, on the Irish agitation and of the duty which devolves on the Government, in the following terms:—

"When we see murder and outrage stalking in the noon-

"day undetected, and, I might almost say, unreproved, when we find that men of note and position advocate assassination on the ground that in certain circumstances

"it might be necessary, then it is high time for anyGovernment worthy of the name to remember that there is one

"duty which is before and above that of maintaining "and upholding the law, and that is of protecting the lives "of the people, and of maintaining the integrity of the

"Empire,

Her Majesty's Judges have expressed their opinion in no faltering terms. Speaking at Dublin, on Dec. 4, 1880, Lord Chief Justice

May said :-

"For several months this country has been in a state of "anarchy; law has been openly defied and trampled "upon; a large portion of the community, urged on by "members of this Land League, have practised a system "of fraudulent dishonesty in refusing to pay their just "debts; the process of the law cannot be executed, and "the Queen's Writs cannot issue. . . . This country "has been for months in a state of terror. It has been "tyrannised over by an unauthorised conspiracy. The people of this country are afraid to assert their rights, and it is not too much to say, the law is defied. Life is insecure, and the rights of property cannot be asserted."

In addressing the Grand Jury at the opening of the Winter Assizes for Munster, December 7th, 1880, Mr. Justice Fitzgerald said:—

"At the return from the summer vacation at the end of October last we found all changed. We found that some organization—I do not profess to say or know what it was, but some organization acting on the cupidity, the passions, and the fears of the people— had reduced some districts in the country to anarchy and confusion little, if at all, differing from civil war. Gentlemen, in addition to that, it was obvious to every one that you had to deal with an armed population. The offences which I shall have to describe to you were all committed by armed people. As far as I can judge from the official reports, in certain districts in the pro-

"vince of Munster, which we are now dealing with, every "boy, every farmer's boy, every farmer's son, and persons "of that class seem to be armed with a rifle and a "revolver; and they certainly have been used freely in "the commission of the outrages which I shall have to "advert to. . . . I do not wish to be guilty of "exaggeration or to create excitement or alarm. I desire "now to express myself in calm and measured language." "That best becomes one to whom the administration of "justice is committed, and I should fall short of my duty "if I did not point out to you that in several districts "embracing a large portion of Munster true liberty has "ceased to exist, and intolerable tyranny prevails. "is not secure, right is disregarded, the process of the "law cannot be enforced, and dishonesty and lawlessness "disgrace the land."

In opening the Leinster Assizes, December 10, 1880, Mr. Justice

Barry said :-

"There has been for some months past prevailing in many "parts of this country a determined spirit of lawlessness "and insubordination, and defiance of and contempt for "the law have been manifested in offences against the "person and property more or less serious and aggravated, "and of the class commonly known as agrarian."

When these utterances are read and compared with the following statements of Mr. Gladstone and the Lord Chancellor at the Guildhall, it is not easy to measure the responsibility which the Government has incurred in permitting this state of affairs to

continue unchecked for so long a time.

"We hold it our first duty to look at the law as it stands, to ascertain our powers; but the obligation incumbent upon us is to protect every citizen in the enjoyment of his life and property, and it may be that under CERTAIN CIRCUMSTANCES we may be compelled to ask for a certain increase of power, but we will never anticipate such a contingency nor imagine it to arise until it is proved by the clearest demonstration."—Mr. Gladstone, Guildhall, November 9, 1880.

"One of the greatest and most paramount duties of every Government is to maintain the authority of the law with firmness, with steadiness, and without hesitation against all attempts and combinations whatsoever which seek to introduce disorder, and to teach men that the law while it exists is to be obeyed."—The Lord Chancellor, Guildhall, November 9, 1880.

### AGRARIAN OUTRAGES.

June.—Extract from Earl of Leitrim's speech in the House of Lords.

"On a first attempt to fence his property, after the eviction of a small tenant, Mr. Acheson was fired on. On the second attempt though guarded by thirteen of the Royal Irish Constabulary, about 1,400 people gathered on the hills in the neighbourhood and swept down on the party. Mr. Acheson, having been hunted well nigh to death, in self defence turned upon his pursuers and warned them that if they advanced he would fire. One of those people more foolhardy than the rest, pursued that unfortunate young man, in spite of repeated warnings, when Mr. Acheson fired and the victim fell."

June 19, 1880.—As Mr. Acheson was returning (escorted by constabulary) from a magisterial enquiry case, a militiaman named Meehan, cousin of the man who was shot by Mr. Acheson, flung a large stone at the carriage. The man was immediately arrested, but rescued from the constabulary, who showed great forbearance, having been severely assaulted and several seriously injured by stones.

June 28.—At Carranruane, Thomas Hessin, a tenant of Mr. D. Leonard, Tuam, was dragged out of bed, brutally beaten, and scorched all over by a fire slowly applied. He is not expected to survive. The reason alleged is that he paid rent without getting a reduction, contrary to orders of the Land League.

June 29.—Mr. David Ferrick, agent to Mr. George E. Browne, late M.P. for Mayo, was fired at by three men within a mile of Ballinrobe. Several shots were fired, three taking effect, and causing dangerous injuries. A similar attempt was made on his life some six months ago. The motive of the murder said to be revenge for some ejectment proceedings.

June 30.—A land bailiff fired at at Ballinacoriga, near Westport; the shot being fired at his house and piercing the chair upon which he was sitting. Two evictions had occurred on the property lately.

July 3.—A murderous attack made by one farmer on another in the neighbourhood of Loughrea, and the injured man lies in a precarious condition. The cause of the outrage is supposed to be the taking of land from which a tenant had been evicted.

July 13.—Three cows belonging to Michael Hurley, a farmer, were killed on his farm at Kilchooney, Co. Waterford. The former tenant had been evicted for nonpayment of rent.

July 17.—A shot was fired at the house of Mr. W. Halpin, bailiff on the property of Major Mills Molony, of Kiltannon, near Tulla. The bullet (from a revolver) struck the bed in which Mr. and Mrs. Halpin were sleeping. A notice was afterwards found on the door threatening Mr. Halpin with death if he sold any "meadowing" of Bonavaree, a farm on Major Molony's estate, which had been lately surrendered with the object of obtaining an abatement of rent by Mr. Jeremiah Kelly, a magistrate for the county.

July 18.—As Simon Pinner was returning home with his wife and sister-in-law he was fired at, and three young men, named respectively Halloran, Goggins and Cusack were brought up charged with firing at and dangerously wounding Pinner. Bail was refused.

July 30.—At 2 a.m. twenty men with blackened faces forcibly entered the house, and obliging the bailiff in charge of it to kneel, put revolvers to each ear, and made him swear that he would leave and not return. An arrangement to put Miss Meagher, sister of the evicted tenant, into possession of the lease of the lands on her marriage was set aside by the armed party, who forced Meagher to swear he would not sanction the arrangement. They then put Mrs. Meagher again into possession. The land is laid out in meadow, and no one can be got to cut it.

August 2.—In connection with a recent eviction at Kilburry, near Clonmel, the Sheriff, in proceeding to execute the writ, found the house barricaded, trees felled and laid across the road to prevent the passage of vehicles, and a party of men inside armed to resist an entrance which was ultimately forced.

August 10.—Two process servers, Collins and Cosby, swore an information at Newry that on the previous day they served two ejectment processes at Fourmiletown, Co. Armagh, and upon doing so were attacked by a crowd of men and women who took the original processes from them, tore them to pieces, and beat the officers, and they were ultimately glad to escape with their lives.

August 11.—The ears of seventeen sheep were cut off by persons unknown on a farm lying at about one mile from Claremorris, rented by a farmer named Ryan. No reason assigned for the outrage.

A house belonging to John Harrington, Knockpogue, near

Ballyduff, County Kerry, wilfully burnt down. Harrington had taken a farm which another tenant, O'Flaherty, had to surrender for non-payment of rent, receiving a small sum of money. Indignation was excited against Harrington for disregarding the advice of the Land League.

The house of Halloran, residing at Balleyheigue, burnt. A crop of turnips, the property of a man named McCarthy, was pulled up by the roots. McCarthy's offence was that he lately took a piece of land which another tenant had given up, being unable to pay the rent.

August 16.—Captain Warren, of Cork, in executing a decree for rent at Lisgoold, found a large number of persons had assembled near the farm, and he was rather unfavourably received. At one time they clamoured around his car so much that, apprehensive of personal violence, Captain Warren drew his revolver. He was thereupon struck with a stone on the side of the face by some person who had concealed himself behind a hedge. The mob then closed upon him, struck him, caught him by the hair, giving him very rough treatment, and it was with some difficulty that he got away without more serious injury.

August 16.—A number of men attacked the house of a Mr. Lawrence, at Tristera, near Ballinacargy. Eight shots were fired through the windows, and stones were also thrown against the front door. Mr. Lawrence recently had a dispute about a farm of land. Mr. Lawrence received a threatening letter previously.

August 21.—Two men named M'Cunliffe severely assaulted a sheriff's bailiff named Quirk. Quirk and another bailiff were in charge of a quantity of hay belonging to the M'Cunliffe's father, which had been seized under an execution, and a large party of men, headed by the two above-named, attacked the bailiffs and assaulted them with sticks. Quirk concealed himself for a time in a drain, but he was discovered and again submitted to severe treatment, sticks and handles of pitchforks being used upon him. He was soon afterwards removed for treatment to the Union Hospital.

August 31.—Mr. Boyd murdered in Co. Wexford.

September 1.—A number of men with blackened faces entered the house of a man named Donoghue, residing at Ahabeg, and having dragged him out of bed and conveyed him outside the house, cut off his right ear. The immediate cause of the attack is stated to be an illfeeling that sprang up against the man on account of an unfounded report that he had fired at a farmer named Sullivan.

September.—Two men named Boyle and Goggin were walking along the public road at Causeway, Co. Kerry; a stone was

thrown from behind a fence which struck and severely injured the latter. The blow was evidently aimed at Boyle, who has become unpopular through purchasing a farm from a needy farmer. Notices have been posted at Causeway threatening with death any tenant who pays a higher rent than the Government valuation. The notice was signed "Rory of the Hills."

September 6.—Catherine O'Leary, who was a tenant of Lord Ventry, and was recently ejected from her farm near King William's Town, was reinstated in possession by a body of armed men, who removed her furniture from the road side into the house and placed w locks on the doors.

September 7.—As the Rev. P. Doyle, popularly known as Father Pat, was driving along the Wexford road, two men armed with guns leapt into the road from a hedge and stopped the car. After looking at the rev. gentleman attentively they said, "You're not the man we want," and went back into the field. It is supposed that they were lying in wait for one or other of two magistrates in the locality.

September 10.—About 10 o'clock at night the residence of Mr. Charles Wm. Stoughton, J.P., at Ballinoe, near Causeway, was fired into through the window of the drawing room, and a pellet smashed a wine glass on the table at which Mr. and Miss Stoughton were seated. An alarm was raised, but no trace of the person who fired the shot could be found. The outrage is supposed to have been committed in consequence of Mr. Stoughton refusing to grant an abatement of the March rent.

September 12.—John Martin, a bailiff on the estate of Mr. Blenner-hassett, of Kilkee, and also a process server for Rathkealet district, was attacked in his own residence by an unknown armed party of ten men with blackened faces, who tied him in his bed and outrageously and barbarously clipped off his ears.

September 1.—A man named Quin, a process-server, went to serve a writ, and was attacked by three men, knocked down and kicked. One of his assailants told him he must eat the writs, and he replied that he would do anything so that they spared his life, as he had a wife and eight children depending upon him. They took the writ and copy from him, and a number of summonses, and tore them up. He was then allowed to pass on his way, but his eyes were blackened and his body bruised. He would not return for any consideration.

September 17.—John O'Keefe, civil bill officer, received instructions from Mr. Dane, solicitor, of Enniskillen, to serve some notices on the lands of Mullaghboy; he had served and posted nine of the notices when a crowd of over thirty people collected, some of whom caught him and took the original of the notices

and the unserved copies from him. They forced him to go back to the houses where he had previously posted and served some notices and to take back the copies. They threatened that if he did not do so he would never leave the ground alive. . . . . . . He was afterwards threatened by militiamen in Carrick-on-Shannon, who told him if he went to serve any more writs he might bring his coffin withhim. He believed that his life would be in danger if he attempted to serve any more writs on the lands.

September 15.—Mr. Edward S. Hunt, of Danesfort, near Mallow, who travelled by the mid-day train from Dublin, reported on his arrival at Mallow that between that station and Buttevant a shotwas fired at the carriage, and a missile of some kind entered the compartment in which he, with his two brothers and some lady friends, were seated. The passage of the bullet was traced in the woodwork, but it could not be found itself. Fortunately no one was injured. Mr. Hunt is a landed proprietor, and is reported to have had some difficulties with his tenants.

September 23.—A party of men, disguised assembled and restored a tenant named McMahon, who had been evicted, and cautioned him, on pain of death, not to leave the house unless he was forcibly put out.

September 25.—The murder of Lord Mountmorres, Co. Galway.

September 28.—A party of men fired shots at the house of a caretaker on the farm of Mr. Joynt, Rathkeale, Co. Limerick. but retired when the man returned the fire.

September 27.—Four cows were houghed, the property of Mr. Walsh, Carrick-on-Suir, who is a member of the County of Waterford Farmers' Club.

October 1.—Two houses near Mullingar visited and searched at night by a party of men. Stones thrown through the windows.

Corn stolen from a barn at Edenderry belonging to a tenant who had been evicted for non-payment of rent.

At Loughrea armed men surrounded houses of herdsmen in employment of Captain Boycott, and compelled them to leave his employment under pain of death.

October 2.—Rifle shots fired into houses of tenants on Mr. Fosberry's property, North Kerry, who paid their rents in full. Letters posted on rest of tenants' doors threatening death if more rent was paid than Griffith's valuation.

A man named O'Connor, who took possession some time ago of a farm near Causeway, in Kerry, from which a tenant had been evicted, surrendered the holding, fearing to hold out any longer against the threats and warnings he was continually receiving.

In the vicinity of Cashel a masked party attacked the house of a farmer, fired a shot through the window, and took away a gun. Captain Boycott's workmen intimidated at Lough Mask.

October 4.—Serious attack upon a bailiff, Daly, while collecting rents near Loughrea.

A process-server, David Sears, protected by 100 police, pelted with mud at Balla.

Brady, an evicted tenant, reinstated in his holding at Lisnasharra. Same occurrence to another tenant at Killeshandra.

Same occurrence near Kanturk, when armed men reinstated an evicted man and his family.

A shot fired into the house of a woman named Calvey, near Mulranny, Co. Mayo.

Bryan Fowley waylaid, murdered, and robbed, near Sligo.

Michael Boylan brutally murdered at Crossmaglen, Co. Armagh. October 5.—Shots fired into the house occupied by Edmond Browne, in Castleisland. The hay on the land was tossed about. Mrs. Horgan, the tenant, has again been put in possession.

James Morris, who resides near Rosenails, in the Queen's County, reports that, as he was driving home, two men, one of whom was armed with a gun, stepped out from the ditch and seized his horse. On looking into his face one said, "That's not Delany," and he was allowed to drive on.

While Mr. Blake, of Tower Hill, was passing through his property, near Loughrea, he was hissed and groaned at, owing to his having been obliged to serve some notices of ejectment on his property.

The Rev. Mr. O'Leary, Ballymacelligott, near Tralee, made his congregation at two Masses promise on their knees not to imbue their hands in the blood of one of his parishioners. The person referred to is supposed to be the largest land agent in Munster.

The guard of the train on the Great Southern and Western Railway Branch Line from Athlone to Portarlington reported that when passing under Kilmalogue-bridge, near Portarlington, a large stone was thrown at the engine, which struck him on the head and cut him. The driver was almost knocked off the engine by the stone.

October 6.—Desperate attack upon Mr. John Hudson, agent to Colonel Fenlow, Bandon, as he was driving from Youghal.

Six men charged at Clonmel with attacking, armed and disguised, some bailiffs in charge of a Farm near Tullamaine.

At Letterkenny stacks of hay maliciously burnt.

At Moate the same occurrence.

In Limerick hay maliciously thrown into the Shannon and turf rick burnt.

A colt belonging to a man named Murray, who took a farm from which a tenant had been evicted, was maliciously killed near West-

A body of men visited Aghadoe, the property of Lord Headley, situate about three miles from Killarney, and called at the residence of a man who took possession of the farms recently held by Mr. Martin Murphy and the widow of the late Mr. Eugene O'Sullivan,

who was evicted for non-payment of rent. The spokesman told the man to give up the two farms.

October 7—Sentence of social excommunication passed on Stephen Littleton, Co. Clare, for taking a farm voluntarily surrendered.

Robert Duncan, a bailiff, attacked near Armagh while going to make a seizure.

October 8.—In the vicinity of Kanturk, a number of men, disguised and armed, entered at night the dwelling-house of a farmer named Brown, living near a place called Scartigtown, and put/himself and his furniture on the roadside. They beat him severely, and cut off one of his ears. Brown had recently taken a house and lands from which a widow had been evicted.

A farmer called Frawley, whose butter and corn would not be bought in Limerick, fired at, and a bullet put through his hat.

Myles Kennedy, a process-server, violently assaulted in Monasterevan.

Plate glass window in Lord Annesley's house smashed, and his life threatened.

October 9.—At Tulla, Co. Clare, a shot fired through the kitchen door of Thomas Dooley, lodging in the opposite wall.

Thirty tenant farmers assembled on a farm from which a tenant had been evicted some miles from Loughrea. They removed the crops in carts to the evicted man's house, and dug all the potatoes on the land. The owner of the farm was present.

October 11.—Lord Ardilaun's agent threatened at Cong

At Kingwilliamstown O'Keefe committed for firing at his uncle. Near Ennis a shot fired into the dwelling-house of Andrew Mack. A bailiff on Lord Ormonde's property at Windgap brutally treated. Hay rick (5 tons weight) set on fire at Athenry.

October 12.—Notice posted on chapel of Keelogue, Co. Mayo, denouncing as traitors to the cause twelve tenants for paying rent.

The tongue of a horse owned by a poor man, Callaghan by name, of Mallow, mutilated and cut.

Malicious burning of corn near Moate.

October 13.—A shot fired into the train near Newry. The bullet broke the glass of a second-class carriage.

October 14.—Near Athenry, a foal and mare killed, property of a farmer, Francis Burke.

House of a land agent, Mr. Dooley, of Gurrane, fired into.

October 15.—Charles Dennis, farmer, of Waterford, threatened with death unless he leaves his farm.

A party of men with blackened faces reinstate, at night, Morass, a tenant of Dr. Gibbings, in Tierina.

Threatening letter received by a tenant, who took land near Dalystown, containing sketch of a coffin.

Three men arrested and sent to Galway on a charge of conspiracy to assassinate a land agent.

October 16.—Fifteen armed men reinstate James Murphy,

near Killarney, first burning out the caretaker and destroying his hay rick.

Attempted highway robbery near Dublin.

Burglary at Lord Egmont's Castle, near Mallow.

October 18.—Mr. Hutchingsfired at in Co. Cork in broad daylight on the high road, and his car driver, Downey, killed.

Captain B. Foster, J. P., Co. Galway, threatened with death. Fifteen men broke into Larkin's house, Abbeyfeale, Co. Limerick, and warned him, under threats, to return some hay purchased from

a landlord.

A coffin was placed against the door of Reidy's house, Ardagh, during the night. Crime, occupation of banned land.

Malicious firing of stack of hay belonging to Mr. McCormick, of

Longford.

Two Tyrone farmers named Shanahan fired at.

October 19.—Three men with blackened faces entered the house of W. Casey, near Mullingar, and demanded arms. Left after firing three shots.

At Tynagh, Loughrea, a number of men cut down and carried off corn on land from which tenant had been evicted; also horse and colt.

A house near Galway from which a man had been evicted burnt down.

Twenty two ewes stolen from the land of Mr. J. G. Holmes, Co. Galway.

Notices posted in Castle Connell threatening death to any one who paid Lady De Burgh more rent than Griffith's valuation.

October 20.—Notices posted on Catholic Chapel in Co. Limerick, calling on priests to join the League or their dues will be stopped.

A field of potatoes bought under a sheriff's sale, dug by fifty men (accompanied by a brass band), and carted away for the benefit of the man decreed for rent.

A vagrant named Madigan arrested in Limerick, and a sevenchambered revolver found on his person.

Rick of hay belonging to Dr. Armstrong, J.P., of Castletown, set on fire.

Attempt to burn a fox covert, the property of Lord Waterford.

October 21.—Rick of hay, value £80, belonging to M. Murphy, of Doonane, Queen's Co., set on fire and consumed.

Quantity of hay at Parsonstown burnt.

Mr. Hutchins, caretaker, at Ardnagashall, fired at.

October 22.—A rick of hay belonging to Fallon, farmer, at Castlebar, burnt down.

Rick of straw belonging to McCarthy, Drimoleague, Co. Cork, burnt down.

Three cows' tails cut off in Tries, Co. Cork.

Four men visited tenants on Miss Jones's property, Mohill, and swore them not to pay more rent than Griffith's valuation.

October 22.—At Ballintubber a process-server forced to abandon his duty by a crowd of tenants.

Mr. Sammon, of Woodford, Loughrea, threatened with death.

October 23.—At Portlaw, farm buildings, belonging to Corcoran,

on a farm lately banned, burnt to the ground.

An evicted tenant forcibly reinstated at Ballyduff, Tralee, by armed men and threatened with death if he left.

A commercial traveller, Mr. Hobbs, stopped by six men on the

road to Ennis; "not the man we want."

House of a caretaker on Archdeacon Bland's property at Scrahan burnt down.

October 25.—A party of men entered the house of a tenant of Lord Lucan, three miles from Ballinrobe, blindfolded and carded him, blindfolded and cut off the hair of his daughter, fired shots, and left.

Mr. G. Taylor's lodge, near Pallaskenry, set on fire.

J. Casey threatened with death unless he gave up grazing land which he held from Major Saunders, Co. Kildare.

Mr. W. B. Smythe, of Westmeath, and his agent threatened with

death.

Notices posted in North Kerry warning tenants to pay no rent to Mr. Gunn.

October 26.—Several cases of hay-burning and mutilation of cattle in Castletown-Berehaven.

Mr. Keogh, land agent, hooted in Roscommon for refusing Griffith's valuation.

Mr. Foley, of Drumbarra, Co. Limerick, warned to prepare his coffin unless he surrendered his farm.

Notice posted near Galway, protesting against a bailiff going to church guarded by a policeman.

Mrs. Gore, of Derrymore, threatened, and her coachman warned not to drive.

Mr. Dorney, of Tulla, Co. Clare, National Schoolmaster, fired at three times and his school burned. Shots fired into the house of a man, Dooley, who refused to take away his child from the school.

Doran, a tenant, Co. Mayo, reinstated by seventy armed men. 130 tons of straw burnt at Mr. Armstrong's, Co. Kildare.

October 27.—Mr Delacherois, of Donaghadee, threatened with death.

Denis O'Brien, bailiff and process-server, Ennis, fired at, and one of his fingers shot off.

Cattle belonging to Mr. C. Rogers, Co. Wexford, mutilated.

Lord Cloncurry threatened.

Mr. Healy (now M.P.) arrested on a charge of intimidating a farmer named Manning in Bantry.

October 28.—Forty men armed and with faces blackened reinstated Riordan in his holding at Glounthane.

Tenants on Lord Massey's property sworn not to pay rent.

Social war against Mr. Corscadden and the people at Leitrim, commenced.

Two farmers near Youghal received orders not to sell potatoes or

use land for grazing.

Near Edenderry two men with blackened faces presented guns at a farmer, and threatened his life if he enforced a Sessions decree.

A notice signed "Mountmorres" posted on Balla Court-house saying, "Remember, farmers on Moore's property, your lives are not your own if you attend any rent office within three months. Keep your grip."

October 29.—Threatening letters sent to a hotel proprietor in Ballina for having permitted his cars to be used by constabulary.

The house of Tully, a National Schoolmaster at Crossmolina, attacked and himself stoned. Crime, taking a farm voluntarily surrendered.

Large party of armed men visited Daly, near Blarney, by night, fired shots over his head, and tried to make him swear to give up a farm.

Same night same party forcibly reinstated E. Murphy, fired

shots and departed.

October 30.—A party of men with blackened faces entered Mr. H. Croker's house, Co. Limerick, and took away a gun and some revolvers and pistols, firing shots on leaving. Mr. Croker was out.

A tenant of Mr. J. Stoughton, Co. Kerry, who paid his rent in full, had a rick of turf set on fire in the haggard.

A bailiff, Donohoe, died from the effects of a beating inflicted on 3rd Oct. in discharge of his duty.

An old man, Jamieson, burned to death in his dwelling near

Ballycastle.

November 1.—Six men muffled a

November 1.—Six men muffled and armed paraded the roads near Carrick-on-Shannon; visited tenants' houses, warned them to pay no rent, fired shots and left.

The ears of a cow cut off which belonged to Mr. P. Brady, of

Hollytown, Wicklow.

At Bruff, county Limerick, notices extensively posted threatening death to landlord and tenant with the alternative of paying and receiving Griffith's valuation.

November 2.—Mr. Leahy, Duke of Devonshire's agent at Newcastle West, noticed that coffin preparations were being made

for him.

Notices posted on the gates of Ballylough R. C. Chapel, Co. Cork, threatening tenants with the fate of Lord Mountmorres, if they paid rents higher than Griffith's valuation.

James Gleeson, blacksmith, Castleconnell, warned that he would be murdered if he continued certain work he had engaged to do.

November 3 .- A bellman went through Bantry calling on the

people not to buy fish taken in nets belonging to Messrs. Barrett

and Payne.

Lord Devon's agent in county Limerick received an anonymous letter ordering him to dismiss his clerk; and the clerk received a threatening letter.

A bailiff at Youghal in seizing a horse under a decree assaulted,

and roughly handled, and the horse rescued.

Two men entered at Edenderry, and threatened the occupant if

he executed an ejectment against his son.

A placard posted on Craughwell Chapel calling on people to protest against a bailiff attending Mass accompanied by police, and to keep the D——'s company out of church till he withdrew from his farm.

November 4.—Close to Virginia Road Station a party of men entered the house of Michael Smith, cattle-dealer, and made him swear on his knees to relinquish a farm he had occupied for years. Shots were fired over Smith's head.

A crowd attempted to throw Captain Boycott into the river at

Ballinrobe.

Sir A Weldon, Co. Kildare, threatened with death unless rents were reduced.

Free fight after Maryborough land meeting. John Dunne severely stabbed; Thomas Holton brutally kicked; thirteen others injured.

A farmer named O'Gorman forced by threats to surrender a farm at Charleville.

A party of men with blackened faces reinstated a tenant at Carrickbragh, county Waterford.

Mr. Charles Dudgeon fired at on the Queen's highroad, near Longford.

November 5.—Complete isolation of Captain Boycott.

A large armed party entered the house of a man named Irving, at Keadue, and inflicted severe wounds upon him, because he paid his rent.

A notice posted up Ballycomone, stating that grazing lands were proclaimed by the Land League.

Notice posted on Mooncoin Chapel, Co. Kilkenny, saying any one

taking a vacant farm will be visited by "Rory."

Large party disguised visited some of Mr. A. Blennerhassett's tenantry, Gortatlea, and swore them on their knees not to pay more rent than Griffith's valuation.

November 6.—Several threatening letters sent to Mr. N. M'Allen, T. C., Waterford, recently censured by Mr. Parnell.

Mr. J. Maye, whose house was recently fired into, compelled to surrender his farm.

A party of 100 men observed drilling near Ballymacelligot, Co. Kerry, armed with revolvers, rifles, and pitchforks. They afterwards visited tenants and swore them not to pay more than Griffith's valuation.

Fifty men with blackened faces, armed, visited tenants' houses in Clashatla, and swore them on their knees not to pay more than Griffith's valuation, and to be true to their country's cause.

November 8.—Mr. O'Callaghan, hon sec. of Waterford Branch

of the Land League, reinstated in his holding by force.

A large rick of hay belonging to Mr. Kelly, of Westport, burned.

A ram belonging to Lord J. Browne stolen off the lands of Ballynock, Westport.

Tail, mane, and left ear cut off a horse, near Galway, the property

of Mr. Kelly, of Castlegar.

At Loughgeorge, tail of a heifer which belonged to a man named Burke, cut off.

Edmund Butler, of Ballyneety, threatened with death if he paid more rent than Griffith's valuation.

An armed body of men, disguised, entered the house of Mr. P. Mulqueen, near Pallaskenry, and under threat of instant death took a gun and ammunition.

House of a farmer, Long, of Crusheen, attacked, windows broken and shots fired. Long was kicked and abused, and finally his right

ear cut off.

Three shots fired through the bedroom window of Mr. Allen, of Woodburn, Co. Galway.

**November 9.**—A young man arrested at Ballinrobe, on a charge of having threatened the cardriver who drove Captain Boycott and his guard of police, was found to have a revolver and twenty rounds of ammunition in his possession.

On Sunday night a rick of hay belonging to Mr. Alfred Kelly,

solicitor, was burned.

Two shots were fired into the house of a man named Reilly, at

Straveen, who some time ago evicted a tenant.

James Galvin, farmer, who recently took a farm at Aughrim, near Liscarroll, from which a man was evicted last April, received a threatening letter containing powder and shot.

At Parsonstown Presentment Sessions six persons received compensation for malicious burnings. The area of taxation was con-

fined in each case to the electoral division.

A horse belonging to one Boyle, of Causeway, Co. Kerry, houghed. Shots fired into the same man's house the night after.

Notices posted in Ballinacurra, suburb of Limerick, threatening instant death if any farmer in the district paid more than Griffith's valuation.

November 10.—F. P. Cawley, Co. Sligo, obliged to have an iron hut erected near his residence. He has made claim for malicious injuries to stock.

Hickey, a butcher, in Limerick, prevented from buying two cows from a man who had been denounced by the Land League.

November 11.—Tenants on estates of Messrs. Lefroy and Bond

received threatening notices not to pay more than Griffith's valuation.

A man named Cavanagh beaten almost to death at Shannon Harbour, and thrown into a drain.

Lord Kenmare threatened.

November 12.—A farmer, in the Co. Leitrim, Rutledge by name, attacked on the high road; knocked down and sworn to dismiss one of his men who had displeased the Land League.

Near Tulla, Co. Clare, a party of armed men, with blackened faces, entered the house of a farmer Lynch; took him out and carded him for refusing to take away his child from the National School.

Three men arrested on a charge of causing the death of one Delany. The assault arose out of a land meeting at Rathdowney.

A farmer named Leo, living at Bruff, threatened with Land League vengeance unless he gave up a farm.

A cow killed belonging Mr. P. Browne, J.P., O'Brien's Bridge, Limerick.

November 13.—Timothy Leary, at Kanturk Sessions, granted \$85 for malicious burning of a house, four cows, and a pigsty.

Three men charged at Carrick-on-Suir with having waylaid and

murderously assulted Sub-constable Morley.

Dwelling-house of Mr. Gubbins, of Oola, attacked by a large party; stones thrown into the windows. Mr. Gubbins had to fire on the party in self-defence.

A respectable farmer's house in Oola also attacked.

Mr. W. Hayes's (publican) house in Oola attacked and windows smashed.

Ricks of hay and straw belonging to Mr. Hogan, Coolina, set on fire.

Mr. Wheeler assassinated.

Richard Bradburn fired at and wounded at Dunboden, Mullingar.

A woman carded at Lough Mask for supplying a Boycott labourer with food.

Mr. P. Fergus, merchant, Ballinrobe, "boycotted."

November 15.—Riot at Ballinamore fair; some of the police cut with stones.

Mr. Lenberg attacked by four rowdies in Cork.

A meeting held at Knockanrose, and a resolution adopted to "boycott" thirteen landlords.

A widow named Farelly found murdered at Clonasilla.

November 16.—Man named Jordan severely beaten at Ballaghadereen. Crime—occupying a banned farm.

Shots fired through a farmhouse near Castleisland.

Body of armed men exacted promises from householders at Crossmolina to join the Land League.

Sixty mounted men and others with bands marched over a farm at Crusheen, Co. Clare—every wall was levelled to the ground.

November 17.—Mr. Lyons, of Ballina, threatened with death unless he reduced his rents.

Bridget Flynn killed by a hatchet in a free fight in Waterford

Commencement of the New Pallas "isolation" case. Bailiff obliged to seek refuge in police barracks.

November 18.—Public bellman warned tenants in Carrick-on-Shannon not to pay more than Griffith's valuation.

At Strokestown fair bellman went about the streets warning

persons not to buy cattle from "land grabbers."

House of a farmer named Malachy O'Connor was attacked at
Cappanucal, Murroe, by a party of men with blackened faces. Shots

were fired into the house.

Fermoy Land League resolved to poison fox coverts where expensive compensation was awarded by grand juries.

Four men at Cork charged with attacking Mr. Newbery, who had to use his revolver.

Captain Boycott again threatened with death.

November 19.—Byrne, of Hacketstown, forcibly reinstated in his holding.

House of Mrs. Spunner burglariously entered and robbed.

Notices posted on chapel gates, Sixmilebridge, containing names of "blacksheep" who had paid rent against Land League orders. One man, Crowe, hooted and groaned along the road.

Attempted assassination—successful wounding—of Hanlon, care-

taker of a farm at New Pallas.

November 20.—Healy, a farmer near Kanturk, forcibly reinstated in his holding.

Threatening letters to a gentleman at Finglas commanding dis-

missal of labourers.

House of Mr. J. Liston, Shanagolden, attacked by 20 men, armed with guns and with faces blackened. Shots fired at windows, which were totally demolished.

Land League resolution to prevent Captain Stacpoole's harriers

hunting

Cattle belonging to M'Manus, a Fermanagh farmer, twice driven off a banned holding; the second time a threatening letter tied to a cow's tail.

Constable Kilroy fired at and wounded in the back while on patrol duty at Westport.

November 22.—A tenant of the Glenmore estate, Co. Kilkenny, "boycotted."

Mr. W. Lambert, of Athenry, "boycotted."

A woman reinstated by force in her farm at Fivemilebridge, Co. Cork.

During the celebration of Mass at the Franciscan Church, Athlone, a notice was posted on the gate calling on all householders to join a league against rackrenting, and threatening anyone who paid more than Griffith's valuation with the fate of Lord Mount-morres.

A farmer named Burns, of Balla, beaten and left in a precarious state.

P. Casey charged at New Pallas with having dangerously wounded a landsteward, P. Keatinge.

November 23.—Two bailiffs on duty, Barrett and Williams, belled and fifed out of the fair of Kersh, and warned not to return.

Blacksmiths in the West refuse to shoe horses belonging to persons who have not joined the Land League.

At Lismore resolutions passed at a meeting that shopkeepers should "boycott" farmers who were not Land Leaguers, and vice versa.

A rick of hay belonging to Daniel Fallow, maliciously burned. A tenant who had paid his rent, near Boyle, "boycotted."

In the same district, attempted "boycotting" of a magistrate and several respectable traders.

Bills posted along the road near Lurgan, calling on the people to pay no rent to Mr. Forde or Mr. Hancock. Gun and coffin at foot.

Three hundred men assembled at Castleblakeney, and rebuilt Fallow's house.

Ten head of cattle, belonging to two men, Lydon and Sullivan, houghed and their ears and tails cut off.

Stone thrown into Bishop's study window in Limerick.

John and Patrick Brett, of Shanganagh, severely carded. Supposed crime, paying rent.

November 24.—Edward Rockett, Whitechurch, Co. Waterford, received a letter requesting him to leave his farm at once, or he would have a very small funeral shortly.

A tenant who had come to Cork was taken back by a party of men to Mallow, and forcibly reinstated in his farm.

W. M'Nally, small trader in Tobbera, Ballinrobe, "boycotted" and his life threatened; his body thrown into the river.

A farmhouse belonging to Mr. O'Farrell, J.P., burnt.

An armed party, with faces blackened, visited a caretaker of a farm near Ardagh, turned him out of the house, and reinstated the evicted tenant named Dore.

Mr. Daly, of the National Bank, Carrickmacross, attacked and unmercifully beaten by a number of men.

A party of disguised men visited a house near Castleisland, Tralee, and carried off arms. Other houses similarly treated.

Denis Murphy, of Kilmallock, forcibly reinstated in his holding and supplied with potatoes for the winter by a party of armed men.

Police fired upon by a Fenian procession in Cork.

Lord Waterford's cloth factory, Kilmacthomas, broken open and robbed.

Sullivan, a cattle dealer and farmer, returning from Kenmare, murdered and robbed.

November 25.—Thomas Cahill, of Cahirbullane, "boycotted" for taking grazing of a farm of Lord Inchiquin.

Complete isolation of a tenant on Dr. Kilpatrick's estate, Glen-

more, for paying his rent.

Mr. W. C. B. Wyse, J.P., Co. Waterford, threatened with death. Two men, Meere and Tuohy, near Ennis, taken out of their bed by a disguised band of men, and sworn not to pay more rent than Griffith's valuation. After being sworn shots were fired over their heads.

Captain Boycott again threatened with death at Lough Mask. Captain Mitchel fired at in the middle of the day near Athleague by two men.

Shots fired on the road near Parsonstown, opposite Mr. Falkiner's

gate.

November 26.—Mr. Charles Hall, Co. Dublin, received a threatening letter, warning him that his tenants would offer Griffith's valuation, and if not taken worms would have their Christmas dinner off his body.

A Limerick cattle dealer, obliged at Bridgetown, to return some animals he had bought from a man named Healy, under the Land

League ban.

A farmer near Cahir, "boycotted."

The house of Michael Donohoe, at Castlegarden, fired into. Crime—payment of full rent.

November 27—Death of a bailiff who had been fired at, while

caretaker of a farm near Tullamore.

A large rick of hay, belonging to Captain Palliser, Tramore, burnt.

Stuart, a farmer, near Boyle, "boycotted."

Eight tenants, Dowra district, "boycotted" for paying full rent Farmhouse, buildings, and crops of a farmer, in Carrick-on-Suir, burnt down. Crime, rent paid in full.

Nine in-calf heifers, belonging to Patrick Blake, of Fermoy,

stabbed, and driven into the Blackwater.

November 27.—Lord Waterford's hounds stopped.

November 29.—Threatening letter to gamekeeper of A. Traill, Esq., Bushmills, warning him to leave his employment on pain of death.

At Tramore large rick of hay belonging to Captain Palliser burnt. Fifteen men, armed, visited several tenants on the property of Mrs. Jones, of Jonesborough, Virginia, and warned them not to pay more rent than Griffith's valuation.

J. Byrne, of Hacketstown, forcibly reinstated for the second time. Notices posted on Alderman Mackey's estate, Co. Kilkenny, threatening intending purchasers of timber.

Sheep owned by a farmer at Boholo, near Balla, mutilated.

Sheep belonging to a farmer near Purrance, Claremorris, mutilated. House of Mr. Rice, Charleville, fired into.

Waterford farmers refuse to sell butter to merchants voting against giving freedom of city to Mr. Parnell.

November 29.—Shots fired into a house of a herd, Ryland, at

Moycullen.

Limerick Land League passed a formal resolution to "boycott" solicitors who act in cases of ejectment.

Seven of P. Blake's cattle, Fermoy, stabbed and thrown into the river.

Sheep belonging to a farmer, M'Hugh, near Claremorris, mutila-ed.

November 30.—At Bruff fair, Mr. Hart, a landlord, was knocked down and kicked, and his steward, who brought cattle to be sold, forced to go back. Another landlord, Mr. Browne, also assaulted.

A shot fired into the Protestant school residence at Clifden,

Connemara.

Fifty men forcibly reinstated a Mrs. Ross in her holding at

Askeaton.

Mr. Hodnett, of Youghal, solicitor, threatened by letter written in Irish with death if he proceeded against tenants who refused to pay more than Griffith's valuation.

Fifteen tons of hay burnt—property of Mr. Fee, of Longford. Tierney, a farmer near Tuam, threatened for paying his rent and his geese all killed.

David Foran's house at Tentala totally destroyed by fire; Foran

paid more rent than Griffith's valuation.

Barrett, a tenant who paid more than Griffith's valuation at Carrick-on-Shannon, badly treated by a mob.

Captain Hon. S. Maxwell's steward mobbed in Granard.

December 1.—The house of Patrick Hanlon, a bailiff and caretaker of a house in county Kerry, broken into at night, his ears slit, and oath administered never to interfere between landlord and tenant.

Patrick Hoban, thirty years herdsman to Captain Boycott, forced

by Land League at Claremorris to resign his post.

Shot fired at croydon driven by a farmer near Carlow. Occurrence witnessed by Mr. Malcomson, solicitor.

A stack of hay at Newry, property of Mr. Sharman, destroyed by fire.

December 2.—Whiteside, a bailiff, and a process server, escorted by police, robbed and threatened at Glangevlin.

Two widows, of Newmarket, county Clare, visited at night by a

band of women with blackened faces, who carded them.

Attack upon Patrick Gilden, a process-server at Castlebar, and dangerous wounds inflicted.

O'Connor forced to surrender a farm at Westport by a meeting;

several of his cattle had been destroyed.

Tenant farmer near Loughrea threatened by a party of men with blackened faces for refusing to attend a demonstration.

A body of men paraded the town of Woodford, threatening those who paid more than Griffith's valuation.

Mr. W. O'Donnell, Co. Clare, fired at through a window, shot lodging in face of his wife and child. Crime—rent paying.

At Mohill a man named M'Laughlin was beaten with sticks while driving through the town.

Proprietor of Hamman Hotel threatened if he gave shelter to Captain Boycott.

December 3.—Threatening notices posted in Ballybooley, warning a tenant of Lord Waterford to give up his farm.

The house of a man named Lonergan, near Fethard, visited by 30 men, the windows broken, and himself sworn to surrender a farm.

Shots fired into the house of Fitzgerald, near Mullingar.

House of Alice Byrne, near Ballingarry, broken into and furniture wrecked.

House of a farmer named James Butler, of Maghera, Co. Clare, fired into.

Mr. Henderson, of Dunmore, solicitor, threatened with reference to a case in which he was engaged.

Two ricks of hay belonging to James Nolan, of Tuam, burnt.

Mr. T. LaTouche "boycotted" in the fair of Leitrim.

A police sergeant named O'Connor, of Claremorris, brutally kicked and beaten; his life despaired of.

P. Ryan, national schoolmaster at Swinford, "boycotted."

December 4.—Riot at Ballycroy fair, Ballina. Sergeant Foy seriously wounded.

Mr. Bence Jones, Co. Cork, threatened.

Men working at a Board of Works pier near Louisburgh, intimidated, and works suspended.

The Rev. Mr. O'Malley threatened.

December, 6.—Notices posted at Corbally, Co. Limerick, warning people against crossing the bridge on pain of being thrown over the bridge.

Captain Hawkins threatened with death unless his rents are reduced. The writer says the letter is written in Lord Mountmorres's blood

res's blood.

Lord Clanricarde's tenants threatened with "boycotting" if more than Griffith's Valuation is paid.

Houses of Colonel Cuff's workmen, Ballina, who accepted reduced

wages, visited, and windows broken.

Notices posted in Ballyfarnon, Co. Roscommon, ordering no dealer or shopkeeper to sell anything to The M'Dermott Roe, of Alderford.

At Middleton, Land League passed resolution not allowing Mr. Rice, solicitor, to hunt over their land. Crime—refusing Griffith's valuation.

Michael Kelly forced to surrender his holding at Bracklonn.

Notice posted on a house at Derryfad, lately occupied by Murphy, warning no person to take it. Shots firedduring the night round Lord Lurgan's bailiff's house.

December, 7.—Armed men visited the house of Shea, near Skibbereen, at night, and cautioned him not to pay more than Government

valuation.

National school near Bantry "boycotted." Mr. Bence Jones, of Clonakilty, threatened.

A man named Nunan mobbed at Charleville fair for taking a

Riot on Sir Richard Wallace's estate, Moira.

Robbery of 1,000 by party of armed and masked men from the

house of Mr. Breen, of Kilmacow.

Notice posted on chapel of Dunmore, Galway, threatening any person who brought frieze to be thickened or corn to be ground to Michael Quin's mills.

Mrs. Lewis's cattle "boycotted" in Loughrea fair.

Violent demonstration at Mohill for the purpose of "boycotting" Mr. Kirkpatrick.

Notice posted on Kiltannon school warning people to have

nothing to do with a certain grazier.

Police barracks at Ballyheigue, Co. Kerry, attacked by a mob. Mr. Connolly, a Limerick solicitor, beaten and intimidated at Murroe for giving professional assistance to unpopular persons.

December 8.—Kilfinane Land League passed a resolution "boy-

cotting" a land agent.

The Drumcollogher process-server who served Mr. Sanders' writs forced to leave the country.

The Kilmihill Land League passed a resolution that Judge Flanagan be denounced in the Press and on the platform.

Mr. Hunt's cattle "boycotted" at Thurles fair.

Mr. Hutchins, J.P., and Mr. Harrison, J.P., pelted with mud in Charleville fair; their cattle driven out of the town.

Miss Gardiner, of Killala, assaulted in Ballina by a huckster

Ennis Land League decided to have no further transactions with attorneys who acted for landlords.

Michael Tuohy, of Ballina, Mr. O'Donnell's herd, "boycotted.' December 9.-Mr. J. B. Houston, of Belfast, threatened with

A manager of a Limerick monster drapery establishment "cut off

from social intercourse" for dismissing two hands.

Mr. Conolly, auctioneer, of Cappamore, and family taken forcibly at night by 200 armed men, and forcibly reinstated in a farm.

Rev. T. Warwick, of Carrickfergus, threatened.

Party of disguised men paraded vicinity of Castleisland, demanding money and arms.

Two gentlemen attacked near Gallindine by a party of men whom they fired at, and dispersed.

Milltown police attacked in their hut by a mob.

Mr. Shannon's corn (Hacketstown) set on fire and destroyed. Flynn, a tenant, evicted two years ago, brought back by force to his holding, and a hut erected for him by 50 men.

A process-server, James Mulholland, murdered at Cookstown.
A shot fired into the windows of Mr. Sinnott's house near Wex-

ford, hitting Mr. Sinnett's niece.

Patrick Hickson, of Rathkeale, taken blindfolded by a party of men, and reinstated in a farm from which his father had been evicted two years ago.

In Newcastle Dr. Palmer's windows smashed in with stones and

shots fired into his house.

Patrick Connors reinstated by a disguised party in a farm from which his father had been evicted two years ago.

Denis Nolan forcibly reinstated in a farm at Shanagolden; the owner turned him out, and the house was burned that night.

December 10.—Large haystack, property of Mr. Donnelly, of Enniskillen, destroyed by fire.

John Lyons, a tenant farmer, "boycotted" in Ennis. Lieutenant-Colonel O'Callaghan completely "isolated.

A Limerick night watchman served with peremptory notice to attend Land League court.

A grazier near Ballinahown, King's County, isolated, and his farm injured for refusing to join Land League.

Griffin, caretaker of a farm near Ardfert, threatened and forced to leave the place.

Tenants of Mr. T. Stewart, Co. Donegal, threatened if they worked for him or paid higher rents than Griffith's valuation.

A bailiff of Carrick-on-Shannon, Farrel Gallagher, seized on duty by a party of disguised men, stripped naked, and sent home.

A bailiff, Sheridan, treated in a precisely similar manner at Ballinamore.

Armed party visited houses of several herds at Castlebar, fired shots, and swore them to leave their farms at once.

December 11.—Feeney, an Ennis farmer, "boycotted" at Limerick market for having paid his rents in full.

At Scariff fair Mr. Studdert, a land agent, assaulted, and escorted by police to the barracks.

W. V. Townsend, land agent, "boycotted," and forced to leave his residence at Kilmallock.

At Dowra fair some men belled and hunted from the fair for taking farms.

At Swanlinbar and Belcoo fairs bellmen went about warning people to deal only with Land Leaguers.

Mr. Justice Fitzgerald, Judge of Winter Assizes, Cork, threatened with death.

Kiltulla Land League, hearing that a farmer intended to take a certain house and lands, assembled and utterly demolished the house.

A bailiff, John Beirn, while attempting to serve writs at Mullagh, county Leitrim, forced to retreat to police barracks.

Rollyns, a process-server at Tralee, seized near Castleisland by a body of disguised men, and suspended from the battlement of a bridge.

Near Brosna, Casey, a caretaker, attacked by a gang of armed men, sworn to leave the house, then tied with his wife to the bed, and his whiskers cut off; shots fired.

A steam threshing machine belonging to Mr. Kelly, of Birr,

maliciously destroyed.

Mrs. Taylor, for refusing Griffith's valuation in Parsonstown, belled and hooted in the streets.

Mr. Owen, of Bellmount, Queen's County, intimidated and hooted or issuing writs for recovery of rent.

December 13.—A landlord of 30 acres, near Losett, county Cavan, fired at and wounded in the leg.

Placards posted on Mr. Biddulph's estate, King's County, threatening tenants.

Connolly excommunciated in Arva market, county Cavan.

Mr. Owens, Queen's County, again threatened.

Notices posted upon St. Mary's Church, Limerick, threatening death to all who should pay or receive more rent than Government valuation.

Night attack by an armed and disguised mob upon Mrs. Switzer's house, county Limerick, which was entered and wrecked.

Mr. Ormsby's steward shot at Knockmore, county Mayo.

December 14.—Mr. W. Robinson, of Moate, warned by letter to discharge his steward.

Notices posted on Tulla Chapel gate excommunicating three Clare magistrates. A baker, Halloran, caught in the act.

The Earl of Shannon threatened and denounced at a meeting of the Land League.

Attempt by a mob forcibly to enter a farmhouse at Irishtown, county Mayo; the police being attacked, fired, wounding four persons.

Four men posted threatening notices on the parish Chapel and

police barracks of Tralee. They were arrested in the act.

A man named Brett, living at Portagh, county Mayo, carded for paying his rent.

Mr. Bence Jones completely isolated.

December 15.—The following outrages were reported as presented and compensated for, on the Arran Islands:—

Eight sheep and nine lambs, and a valuable mare, belonging o Mr. R. Charde, maliciously killed.

The house of T. Connolly burnt.

A barn and timber belonging to B. Hernon burnt.

A number of sheep and cattle houghed and maimed belonging to Mr. Joyce.

Thomas Lally's (bailiff) horse maliciously killed.

Mr. Armstrong, of Clones, excommunicated at Cavan market.

A farmer, Sullivan, at Gorticlane, excommunicated.

House of a herd, Daly, at Ballinderry, fired into, his two dogs killed, and himself forced to leave the employment of Mr. R. Meredith.

Two pet swans of Lady G. O'Shee killed, and their bodies left at the hall door of her residence, Gardenmorris, county Waterford.

A farmer, Kearns, under Lord Lurgan, attacked in Portadown for paying his rent.

Notices posted in Roscrea cautioning house tenants not to pay

rent to Mr. Dooley, the owner.

A Dublin bailiff attacked in his duty by 500 men, who took away his writs and ducked him in a horse pond.

Protestant Church of Ballinahinch broken into, desecrated, and

the interior completely wrecked.

December 16.—Armed and disguised party visited several farmers' houses near Kilmalogue, King's County, and threatened them with death.

A cow killed, the property of a small farmer at Clovnagh, county

Limerick.

Intimidation of a bailiff in Ballina, by a large mob. A farmer, Fitzgerald, excommunicated at Dungarvan. A farmer, Coffey, of Stradbally, excommunicated.

A flour merchant and publican, in Limerick, excommunicated.

Several Sligo tenants excommunicated.

At the foundation of the Land League branch, at Rathmullan, county Donegal, Mr. Barr, organiser, is reported to have made use of the following outrageous language:—"I thank God we have got rid of Lord Leitrim, and I say furthermore God bless the hand that sped the bullet."

Residence of John R. Laffan, county Limerick, attacked by a body of armed men, who fired shots into the windows. A notice posted on the door, threatening him with the fate of Mr.

Wheeler.

Rev. D. Foley, P. P. of Tarbert, excommunicated by his parishioners.

Mr. R. Wheeler, of Pallasbeg, belled, and excommunicated at

Cappamore fair.

Notices posted on Thomond gate, Limerick, warning the inhabitants not to pay rent, without deducting 4d. in the shilling.

Lord Kenmare excommunicated and forced to leave Killarney.

Mr. Bence Jones's cattle put into Land League quarantine in

Cork.

The legs of 14 cows, the property of James Moriarity, of Annascaul, cut off.

December 17.—Two policemen at Castleisland seized by 20 men and disarmed; a haystack set fire to at the same time.

Colonel O'Callaghan mobbed, hooted and stoned at Tulla, county

Clare. The police charged and wounded three persons.

Rev. W. M'Keogh, P.P. of Ballinahinch, stabbed by the relative of an excommunicated farmer.

Reddington, a bailiff, and his son seriously assaulted at Cullans, county Mayo, on his way to serve processes.

A process-server near Dowra, Co. Leitrim, ducked in a pond, stripped and beaten with furze bushes.

John Hart forcibly reinstated in his holding near Dromahaire, Co.

Leitrim.

Cattle belonging to Messrs. Green and Massey, Co. Tipperary, driven off the Green of Golden Fair.

A tenant on Sir E. M'Naughton's estate, Portadown, fired at, the bullet grazing his coat.

Sir N. Humble's cattle isolated at a fair in Co. Waterford.

Patrick Buckley's pigs isolated in Moate fair and himself mobbed and threatened.

At a Land League meeting in Westport a resolution was passed commercially excommunicating a certain Dublin firm.

Henry Dyer forcibly reinstated in a holding at Coolbrock, Co. Sligo.

Mr. C. Dudgeon mobbed and isolated at Clara Station.

Mr. Pim, of Youghal, threatened.

December 18.—An armed party attended the house of M'Namara, at Kilsallow, Co. Longford, and fired shots through the window.

A farmer mobbed and excommunicated in Cavan fair, and forced to be protected by police.

Eight ricks of hay, the property of Mr. A. Crosbie, of Portadown, who paid his rent, burnt.

A woman named Hayes, evicted 18 years ago, forcibly reinstated in a house at Carrigmore, Co. Limerick.

Mr. Hickman, of Kilrush, master of the Kilmurry harriers, threatened with excommunication.

Mr. E. Daly, of Park, Co. Limerick, threatened by the House

Scanlon, a farmer near Mallow, forcibly reinstated by a large party of strangers.

James Mulligan brutally murdered and robbed at Aughafin, county

Longford.

December 20.—At Dunbeg, county Clare, the cattle of Mr. E. B. Burke, J. P., driven out of the fair. On the same day two men who had paid their rent succeeded in selling their cattle, but were compelled to return the money.

Corn stacks belonging to Messrs. O'Donnell and Masterson, Ashill,

burnt down.

Jeremiah Scanlan forcibly reinstated in his holding near Mallow

A poor man's shed, on Lord Shannon's property, burned down for disobeying threatening notices posted in the neighbourhood.

Mr. Sanders, of Charleville, excommunicated.

Desperate attempt by mob to sack Mr. Downing's house near Ballina, for having served writs of ejectment for nonpayment of rent.

December 21.—Lord Kenmare's servant threatened and forced

to leave his employment.

A schoolmaster, Ryan, excommunicated, and his school closed. A farmer, Halfpenny, excommunicated, in Dundalk market. Mr. Stacpoole's solicitor, Mr. M'Neill, professionally excommu-

Mr. Stacpoole's solicitor, Mr. M. Neill, professionally excomi

nicated.

Mr. Reidy, Newmarket-on-Fergus, commercially excommunicated. Thomas Brisland, bailiff, and Mr. Porter, agent to Sir S. Hayes,

Letterkenny, threatened.

Mr. M'Dermott, solicitor to Mr. Macnamara, minor's estate, county Clare, obliged to seek the protection of the Landed Estates Court from the intimidation of the tenants.

December 22.—Mullen, a tenant farmer, shot dead near Ballinrobe.

The Milltown police excommunicated.

A man named Fitzgerald forcibly reinstated in his holding in county Waterford.

Three Bailiffs driven from a house of an evicted tenant. The house of a man named Moran, near Tuam, fired into.

Cahill, after having sold his holding to a neighbour, was forcibly reinstated by a band of men.

Several Boyle traders excommunicated and assaulted.

December 23.—Thomas Madden, stabbed at Portumna after a Land League meeting.

The Galway hounds prevented hunting near Loughrea.

The Misses Bagot attacked while driving from Gort, and stoned. **December 24**.—Messrs. Pim, Wallace, and Dr. Bradshaw, of Carrickmines, county Dublin, threatened.

Hon H. De Montmorency, brother of Lord Mountmorres, repeatedly threatened, and forced to have police protection, near

Kingstown, county Dublin.

Miss Ellard, Co. Limerick, fired at driving from Oola railway station.

December 27.—The police fired on in Cork by a band of men, and one constable wounded.

Lady Lisgar excommunicated at Bailieborough, for not reducing

her rents sufficiently.

The house of a farmer, Berry, who paid his rent, burned down, in Portadown; thirty tons of potatoes were also destroyed.

The haggard of another farmer, Hyde, in the same locality, burnt the same night.

Notices posted near Parsonstown threatening with the fate of

Lord Mountmorres a lady named Lyster.

December 28.—Notices posted in Clonakilty threatening the life of Mr. Bence Jones and any who supply him with provisions.

At Dungarvan a farmer, Terry, forcibly reinstated in his holding. The Rev. P. Boylan, C. C., assaulted at Enniskillen, and his horse stabbed.

The Rev. Canon Fleming, Rector of Ballinakill, Co. Galway, fired at whilst driving from evening service.

Mr. Butler, J. P., Co. Clare, excommunicated by the Land League.

December 29.—Public auction quashed at Baldoyle by Land
League influence.

A horse trainer in Boyle warned to leave his employment on pain

of losing his ears.

At Tuam a mob assembled to resist service of ejectments. Riot Act read, and only eight out of sixty writs served.

Mr. N. Gifford, Co. Wexford, excommunicated in the local press. Serious riot at Westport; some soldiers severely beaten.

December 30.—A sale of timber on the Gascoigne property Kilfinane, Co. Cork, "boycotted."

The house of a man named Concannon, at Claremorris, burst open and shots fired.

A process-server at Foxford mobbed in discharge of his duties. Guarded by the police next day, he was, notwithstanding, severely hurt by stones.

A farmer named Kennedy "boycotted" in Claremorris market.

December 31.—A miller named Reany, at Claremorris, warned if he dares grind corn for tenants paying more than Griffith's valuation that worms shall have a New Year's gift of his body.

At Marlfield Mrs. Dee, near Clonmel, forcibly reinstated on farm from which she was evicted two years ago for nonpayment of four years' arrears of rent.

Cattle driven off the farms rented from Miss Gardiner, Co. Mayo.

Miss Gardiner herself isolated.

The above particulars may be fitly closed by the following list of Outrages in Munster and Connaught, quoted from the Judges' charges to the Grand Juries at the opening of the Winter Assizes.

#### MUNSTER.

#### Co. Clare-

43 cases of letters threatening to kill or murder.

3 of firing into dwelling-houses by disguised parties.

8 of arson.

3 of taking and keeping forcible possession.

2 of maining cattle.

Total, 59

#### Munster-(continued).

In addition, 15 charges of taking orcible possession, in which no one has been made amenable.

#### Co. Limerick-

58 cases of threatening letters.

16 of arson.

9 of maining cattle.

7 of taking forcible possession with firearms.

9 of malicious injury.

1 of wilful murder.

#### Total, 100

#### Co.Kerry-

101 cases of threatening letters.

23 of arson.

4 of maining cattle.

6 of attacking dwelling-houses.

- Malicious injuries without number.

#### Total, 134

#### Co. Cork, West Riding-

25 cases of threatening letters.

15 of maining cattle and other malicious injuries.

5 of compelling parties to quit by violence.

1 case of forcibly resisting Sheriff.

1 murder.

## Total, 47

### East Riding-

51 cases of threatening letters.

22 of arson.

3 of maining cattle.

7 of forcible possession; a number of assaults on bailiffs, and several other charges.

## Total 130 [Both Ridings.]

### The full totals, therefore, read thus-

County Clare		 	 59
County Limerick		 	 100
County Kerry	•••	 	 184
County Cork		 	130

## CONNAUGHT.

Co. Leitrim—	10 85			
Threatening letters				25
Unlawful assemblies	•••			5 1 0
Administering unlawful oaths	***			5
Attempts to "boycott"	niii da	mil lo		7
T 1' '1 1'		:non	14 10	3
Other offences against propert	v &c	gilliano	ar iv	30
other orenees against propert	λ, ωυ.	of Sury	47 20	-00
Total indictable offences	Atta (Tries	erorbila	m lo	75
Total amenable to law	Thomas and the	and light	W ZO	9
Co. Sligo—				
				1 latoT
Murder	•••	•••		v191.0)
Firing at Stabbing	•••			2
Anger	Time 500	10.10 1	0010	3
Cattle stealing		TION	19.10	3
Maliaiana inima	10111111	Berguin	ur.10	4
m1	HE WAY	in our	3.10	26
Other offences	sommy.	II A OTO	Lin	10
Other offenees				
Total indictable offences				50 Model
Total amenable to law	100		I.O.	3.00.00
			V DIST Y	100.00
Co. Mayo—				2
Firing at model and has	1 2			15
Threats to murder Arson			70.29	29
Arson Maiming cattle	Bree Alan	over to	•••	24
Assaults on dwelling-houses	•••			10
Wilful injury to property	•••			30
Threatening letters		•••		73
Other offences			1-2	53
Other onenees	or in the stand			
Total indictable offences	DITTER TO			36
Total amenable to law	of Mar	•••		12
Co. Galway— and to radiation in ; not	e contract to the	200		
				0.0
Threatening letters		•••	•••	66
Arson	•••			22
Injury to property		•••		31
Other offences	1:0101		13.00	172
m-4-1: 1: 411 A			-	001
Total indictable offences				291
Total amenable to law	2	•••		12
181 m-4 1 %			unty	CEO
Total offences		1100	visio	652 36
Total amenable	•••	•••	***	00

THE

## ABC

OF THE

## IRISH LAND QUESTION.

BY

BERNARD FITZPATRICK, M.P.

"HONESTY IS THE BEST POLICY,"

LONDON: WILLIAM RIDGWAY, 169, PICCADILLY, W.

1881.

# HISH LAMP QUELTIONS

HYLLIAM BEDEVAY: 10. SECOMBLE, W.

## PREFACE.

In placing these few pages in the hands of members of this House, I merely wish to put before them as plainly and as succinctly as possible the present status of landlord and tenant in Ireland. I claim no credit to myself for the compilation; I simply desire to show impartially how the landlord is prohibited from all tyranny, the tenant protected from any act of spoliation by the landlord. The tenant's improvements and rents are supervised, and safeguarded; he has only to fear two things—his own unthriftiness, and that greed for land peculiar to the conditions of Irish life. I ask all who wish to do justice, to read these pages. If they deign to do this, I cannot but think that they will answer the wild theories of the Land League and its supporters in the words of the patriot Brutus-

"You have done that you should be sorry for.
There is no terror, Cassius, in your threats,
For I am armed so strong in honesty
That they pass me by like the idle wind
Which I respect not."

## PREFACE.

the partial of the House, I merely wish as partially so there of this House, I merely wish as partially at put before at them as plainty and admit the metal of them as present status of the first and them and them in I what a status of them and them as a status of them and the metal for the metal of them and them and the made them are the made them as a status of the metal of the them and the metal of the them are the metal of the them and the them are the metal of the them and the them are the them are the them and the them are the mental of the partial them.

The bave those that you should be easy for.
There is no berrot, Cassins, in your storping.
That I am nessed in rescale in bounds.
That they note you by like the talk wind.
Which it respect not.

## ABC

OF THE

## IRISH LAND QUESTION.

## DEASY'S ACT, 1860.

1. The Act of 1860 abolished the feudal nature Tenure founded upon of tenures and founded them upon contract. contract. (Sec. 3.)

2. It authorised the tenant or his personal Agricultural fixtures. representative to remove all agricultural fixtures affixed to the freehold by the tenant at his sole expense. (Sec. 17.)

3. It rendered it unlawful to distrain for rent pistraint. which became due more than a year before the making of the distress. (Sec. 51.)

4. It prevented the landlord from bringing an Ejectment ejectment for non-payment of rent till a year's rent should be in arrear. (Sec. 52.)

5. It enabled the tenant to defeat an action for Protection to non-payment at any time before judgment or ser-and after vice of notice of trial, by paying into Court a sum of money for the rent, with an undertaking to pay

for costs a sum far less than that incurred by the landlord by reason of his default. (Sec. 62.)

6. It enabled the tenant, after judgment against him, to defeat the action by payment of rent and costs any time before execution of writ of habeas. (Sec. 64.)

Power of redemption.

7. It gave the tenant, after the execution of the writ and the landlord had been put in possession, six months to exercise his power of redemption. (Sec. 70.)

N.B. Supposing this right to be exercised by the tenant, it has been held that the landlord may be compellable to account to the tenant for the profits he *might* have made during the temporary and uncertain period of his possession. (Furlong L and T, 2nd edition, 1078.)

## LAND ACT, 1870.

Ulster customs.

The Land Act of 1870 legalised the Ulster customs where they before existed. (Sec. 1.)

Compensation for disturbance.

It gave the tenant compensation for the loss sustained by him by reason of his quitting when disturbed in his holding by the capricious act of the landlord. (Sec. 3.)

Compensation for improvements.

It gave him a compensation to be paid by the landlord in respect of all improvements on his holdings made by him or his predecessors in title even when he is ejected for non-payment of rent; and it enacted that "all improvements on such

holding should until the contrary is proved be deemed to have been made by the tenant or his predecessors." (Sec. 5.)

Where the tenant does not claim or has not Compensation obtained compensation under the preceding sec-claiming tions, it awards him "such compensation as the and 5. Court thinks just," in cases where it is proved that the "tenant or his predecessors in title on coming into his holding paid money or gave money's worth with the express or implied consent of the landlord." (Sec. 7.)

He is declared entitled to compensation for his crops (Sec. 8) as well as for his tillages and manures. (Sec. 4.)

(Even this was not all that legislature did.)

It declared in the case of tenancies under 501. Covenants a year according to the Government valuation, these rights to be void in which is far under the actual rent, that "any con-certain cases. tract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under the disturbance section should so far as relates to such claim be void both at law and in equity." (Sec. 3.)

It declared that "any contract between a landlord and tenant whereby the tenant is prohibited from making such improvements as may be required for the suitable occupation of his holding and its due cultivation should be similarly void." (Sec. 4.)

It avoided every contract made by a tenant of holdings under the specified valuation "by virtue

to tenants not under Secs. 3

of which he is deprived of his right to make any claim which he would otherwise be entitled to make" under the section relating to improvements. (Sec. 4.)

Compensation in certain cases of eviction for nonpayment of rent.

Not only did it impose a penalty upon the landlord in case of eviction, where the letter of his original contract allowed him to evict, but in the case of holdings held at a rent of 15l. or under it declared eviction even for non-payment of rent to be disturbance "if the Court should certify that the non-payment of rent causing the eviction has arisen from the rent being an exorbitant rent." (Sec. 9.)

Powers of Court.

In estimating these claims, the Court is authorised by the Act to take into consideration the whole conduct of the landlord in his dealings with the tenant (Sec. 18), a power more indefinite and more arbitrary than was ever claimed by the Star Chamber or the High Commission. Finally, the Act authorised the Commissioners of Public Works in Ireland to advance to any tenant for the purpose of purchasing his holding, whether by contract with his landlord or by bidding at the sales of the Landed Estates Court, a sum not exceeding twothirds of the purchase money, to be repayable in thirty-five years by an annuity of 5 per cent. on the advance. (Secs. 44, 45.)

Bright Clauses.

Notice to quit. By a subsequent Act, 39 & 40 Vict. c. 63, a year's notice to quit is declared necessary to determine a tenancy from year to year. (Sec. 1.)

By a previous Act, 1 & 2 Vict. c. 56, the occupier Poor rate. is entitled to deduct one moiety of the poor's rate from the rent payable to his landlord (Sec. 74). and in cases where the holding is valued at or under 4l., and the occupier has no greater estate than a tenancy from year to year, the landlord is bound to pay the whole (6 & 7 Vict. c. 92 s. 1).

Summary.

It may be safely said there is no code in the world which has so carefully provided for the protection of the tenant as the Irish code. Under no code is the eviction of a tenant surrounded with such difficulties and delays, or attended with such ruinous expense. Under the French code no right of compensation exists for improvements in the nature of drainage or of irrigation. In Belgium there is no such thing as compensation for disturbance. There is no such thing as compensation for disturbance in any country in the world but Ireland. The Agricultural Holdings Act, passed by the Conservative Government in 1875, has extended a portion of the provisions of the Irish code to England. But in England, with the exception of the Ground Game Act of 1880, passed by the Government of Mr. Gladstone, there is no legislative declaration that an agreement between a landlord and a tenant shall be void. In the English legislation, with the one exception, the sanctity of contract is preserved. With the one exception, no English tenant has the benefit of a law limiting his freedom to contract, or declaring his deliberate

contracts to be null and void. Pretermitting the great political question of Primogeniture and Entail—a question which involves far wider and more important issues than that of Irish land—there is no reform demanded by the English Law Reformer that has not already been made in Ireland. Take, for instance, the demands made by the author of the 'Essay on the Land Laws of England,' published by the Cobden Club, for the "emancipation of land" in England (p. 124). For 173 years Ireland has possessed an effectual Registry of Title.

# GRIFFITH'S OR GOVERNMENT VALUATION.

Early Acts.
Act of 1852.

Valuation Acts made in 1826, 1836, 1846. Valuation by Sir R. Griffith in 1852.

## STATEMENT BY SIR R. GRIFFITH.

His deliberate opinion is that-

Relation of valuation to rent value.

"The addition that should be made to the amount contained in the printed Schedules of the general valuation is that if one-third be added the result will give very nearly the full rent value of the land under ordinary proprietors."

This opinion was given of the valuation of 1846, and as the valuation of 1852 was based entirely on that of 1846 it holds good for that also.

Therefore Griffith's valuation may be considered

as 33 per cent. lower than the actual letting value in 1852.

TABLE showing Scale of PRICES laid down in Act 1852 and Scale of prices, BILL for proposed new TENEMENT VALUATION 1877.

Act of 1852 and Bill of 1877.

Prod	Produce.			Act 1852. Price per Cwt.		1877. er Cwt.	Increase per Cent. in Scale of Prices.
XXII	127		s.	d.	S.	d.	00.0
Wheat			1	6	10	0	33.3
Oats			4	10	7	8	58.6
Barley			5	6	8	4	51.5
Flax			49	0	60	0	22.4
Butter			65	4	121	4	85.7
Beef			35	6	70	0	97.2
Mutton			41	0	74	8	82.1
Pork			32	0	51	4	60.4

The Bill of 1877 was brought in as a Govern-Bill of 1877. ment measure, and we may assume pretty confidently that the Government had abundant evidence to support the scale of prices laid down in the Schedule, which as we see ranged from 33 to 97 per cent. above the scale of prices in the Act of 1852. Now let us suppose that Sir R. Griffith had had this scale of prices laid down for his guidance instead of the scale of 1852. What would be the result? Roughly speaking, the tenement valuation of Ireland would be from 30 to 50 per cent. higher than it is at present.

Tenants purchasing their holdings under the Opinion of Bright Clauses of the Land Act were of the farmers opinion that the purchase money, of which they Lefevre's had themselves to provide one-third and the Commission, other two-thirds of which they must repay with

interest, is not adequately represented by thirty years' purchase on the tenement valuation.

Now, since the year 1865 the average price obtained for estates sold in the Landed Estates Court has been twenty-one years' purchase on the rental; hence, if the opinion of the tenants referred to is correct, the rent should exceed the Government or tenement valuation in the ratio of 30 to 21, in other words, the rent might be 43 per cent. above the valuation, and yet below the full value. (Evidence before Mr. Shaw-Lefevre's Committee.)

Has remained unchanged since 1852.

It should be mentioned that although the Act of 1852 provides for a general revision of the valuation, such has never been made, nor is it likely to be until a new Valuation Act is passed. The annual revision so far as land is concerned consists merely in ascertaining and noting changes of occupancy, but not a shilling can be added to or taken from the value of any field, and the gross valuation of the land is now just the same as it was when the valuation was made.

Since the above was written, a letter from Sir R. Griffith to Sir James Stronge has been published, which I add.

OFFICE OF PUBLIC WORKS,
CUSTOM HOUSE, DUBLIN,

DEAR SIR JAMES,

January 4th, 1860.

The scale of the general tenement valuation of land and houses is nearer to the letting than the townland valuation, and I should say the addition to bring it to moderate rents will be from about 2s. 6d. to 3s. 4d. in the pound sterling.

I am, dear Sir James,

Faithfully yours,

RICHARD GRIFFITH.

Sir James M. Stronge, Bart., Tynan Abbey, County Armagh.

That is, in Sir Richard Griffith's opinion, the fair letting value of land should be from  $12\frac{1}{2}$  to  $16\frac{1}{2}$  per cent. over the valuation.

This letter was written in 1860; since then the price of produce has doubled, and is in some instances treble what it was then. (*Vide* Table at page 33.)

In conclusion, legacy and succession duty Legacy and (chargeable on real property), though there is succession no fixed basis of assessment, is never permitted to be taken on Griffith's valuation; generally it is estimated on one-quarter or one-third above it.

## RATES AND TAXES.

1. In the case of holdings valued at or under Rates and 4l., the whole of the poor rate and county cess are payable by the landlord.

2 In all other holdings the tenant is entitled to deduct from the amount of rent due by him one-half of the poor rate payable on his holding.

3. In new tenancies created since 1870,

half the county cess or grand jury cess is payable by the landlord.

Income tax.

In respect of income tax, Mr. Gladstone stated on January 10th that while in England a tenant pays on one-half the actual value of his holding, in Ireland he pays on one-third of Griffith's valuation.

The landlord pays on Griffith's valuation.

#### TENURES,

Under which Occupiers held in 1870.

Tenancies at will	and the	526,628
Under leases for life	63,759	
For term of 31 years or under	47,623	
For term above 31 years	13,712	
For perpetuity	10,298	anes . a
	-	135,392
In occupation of proprietors in fee		20,217
Total		682,237

Proportion of tenancies at will are in the different provinces:—

Connaug	ht	 	 	88	per cer	ıt.
Ulster		 	 	82	99	
Leinster		 	 	72	"	
Munster		 	 	64		

By this table it is proved that tenancies from year to year have no direct influence on the anarchy in Ireland. Connaught, now the most disorderly district, has 88 per cent., while Ulster—the most orderly—has 82 per cent.

#### THE IRISH ACRE

= 1 statute acre, 2 roods, 19 perches.

In other words, the Irish acre is equal to one statute acre and a half and an eighth.

Therefore a farmer paying 30s. per Irish acre pays only 18s. 6d. per statute or English acre  $(2\frac{1}{4}d.$  for 49 square yards).

All letting in Ireland is by the Irish acre.

### AREA OF IRELAND,

20,327,764 acres.

Cultivated	 	 	15,697,705	acres.
Uncultivated	 	 	4,630,059	,,

#### CULTIVATED.

Pasture	 	 10,261,260	acres.
Meadow	 	 1,909,907	33
Crops and fallow	 	 3,186,683	99
Woods and plant		 339,849	22

#### UNCULTIVATED.

In 1841	 	 	 6,295,735	acres.
In 1851	 	 	 5,023,984	19
In 1880	 	 	 4,660,000	**

Sir R. Griffith said in 1844 that in round Waste land.

2,540,000 acres were wholly irreclaimable.

1,425,000 acres were reclaimable for agricultural purposes.

2,330,000 acres for pastoral ditto.

The total of reclaimable acres in 1841 was therefore 3,755,000.

## POWERS OF LANDLORD TO ENABLE HIM TO RE-ENTER ON TENANT'S FARM.

Distress.

1. Distress for rent (hardly ever resorted to).

Ejectment.

2. By ejectment for non-payment of rent, of one year's rent or more.

In superior

A. Rent over 100*l*. in the superior Court by writ of summons and plaint.

In inferior Court.

B. Under 100l. a year in Courts of Quarter Session.

Decrees are placed in hands of sheriff, and land is taken up if rent is not paid.

Writ or process.

3. By writ or process for the amount due. This must result in distress or sale by sheriff.

Notice to quit. Ejectment on title.

In yearly tenancies when sub-letting or assigning occurs you can only enforce the rules of the estate by notice to quit and ejectment on title on expiration of notice.

The said notice must be served under late Land Act (1870), so as to expire on last gale day of the year.

Every tenant must therefore have nearly twelve months' notice.

You then demand possession. If tenant refuses, writ of ejectment is served.

## SAFEGUARDS FOR TENANTS IN CASES OF EVICTION AND EJECTMENT.

A writ of ejectment can only be served on a Ejectment. tenant if one year's rent or more is due, and then only if rent is not paid within time limited.

If tenant does not defend case—which he nearly Proceedings always does to gain time-after fourteen days a writ issues.

A. (Superior Courts.) The writ is placed in the superior hands of the sheriff, who proceeds to evict tenant Courts. from premises.

B. A process in ejectment for rent under 100l. a Inferior year is served on tenant within thirteen days of Courts. first day of County Court sittings, and if not defended, a decree issues, and is placed in the hands of the sheriff, and the same action is taken by him as in case A.

In both these cases the tenant has six months to Power of redeem, after sheriff has executed decree and placed landlord in possession. He can further at any time stop proceedings by paying amount and statutory costs.

The landlord is bound to return the land to the Distress, writ, tenant having farmed to the best advantage (Deasy Act). Action by distress, writ, or process is hardly ever resorted to, being powerless.

## AUTHENTIC RETURN OF THE RENTAL, IMPROVEMENTS, AND EVICTIONS ON ESTATES IN IRELAND, EMBRACING 6,986,675 ACRES.

Authentic Return of the rental, improvements, and evictions on estates in Ireland, embracing in all 6,986,675 acres.

In anticipating the publication of these tables by the Royal Commissions to which they have been submitted, the Land Committee are actuated by a desire to place before the public, at the earliest possible date, the facts regarding the relations of landlord and tenant in Ireland which they have, up to the present, been able to ascertain, and which they believe to be of the utmost importance in instructing public opinion on the subject. If these facts are not in accordance with preconceived popular notions, the greater is the necessity for giving them every publicity, and for affording every opportunity of examining and criticising them.

Table showing the Number and Area of Estates respecting which particulars have been ascertained, with the Poor Law Valuation, and the Number of Tenants thereon.

Province.		Number of Estates.	Area in Statute Acres.	Poor Law Valuation.	Total Number of Tenants.	Number of Tenants whose Valuation is under 101.
Leinster	185	696	1,730,207	£. 1,126,744	42,424	15,928
Munster		397	1,616,511	722,047	30,773	11,750
Ulster		458	2,346,486	1,249,453	85,909	40,376
Connaught		275	1,293,471	476,522	42,525	26,495
Totals		1826	6,986,675	3,574,766	201,631	94,549

We have already stated that query forms were issued to all proprietors, the Poor Law valuation of whose estates amounted to not less than 500*l*. per annum: and we may add that the estates of such proprietors occupy nearly four-fifths of the area of Ireland.

In the instructions for filling the query forms, the owners were directed to exclude from their replies—

- (a) All lands let to tenants in perpetuity, or of which the tenant had an unexpired term of 100 years;
- (b) All lands in their own possession;
- (c) All town holdings, and town parks; and
- (d) All land let for grazing purposes for one year or less.

We have no data for estimating with exactness the quantity of land excluded from the returns under one or other of the foregoing heads; but it must have been very large. The area actually tabulated amounts, in round numbers, to seven millions of acres, or rather more than one-third of the whole area of Ireland: but, making allowance for the exclusions above enumerated, it is obvious that the estates belonging to the same proprietors cover a much larger area; and we shall probably not be far wrong if we set down the total area of the estates of those proprietors who have furnished information to the Land Committee as approaching more nearly to one-half than to one-third of the

whole country. It is essential to bear this in mind, in dealing with this and the subsequent tables, if we would appreciate their full significance. Further, it is important to remember that the seven millions of acres tabulated represent land in the bonâ fide occupation of agricultural tenants.

rable showing changes in ental during ast 50 years.

In the following table it has been found possible to tabulate only about four and three-quarter millions of acres out of the seven millions respecting which returns were received. The information supplied regarding the remaining two and a quarter millions of acres was not supplied in a form sufficiently definite to admit of classification under any of the foregoing heads; and the Land Committee rigidly excluded every case in which vagueness or ambiguity appeared. This incompleteness is to be regretted, because, pro tanto, it weakens the argument deducible from the table; but the Committee were determined that no statistics should be issued under their authority which could not be verified to the letter.

Still the table now before us deals with nearly four and three-quarter millions of acres, or considerably more than a fifth of the whole of Ireland; and representing, as we have before shown, a much larger area. Taking, however, only the area actually tabulated—4,703,572 acres, we find that on 73.84 per cent. of that large area the rents have not been disturbed for over twenty years. In other words, that on 74 acres out of

TABLE showing CHANGES IN RENTAL occurring during Last Fifty Years.

			Present Rents fixed between the Years						
Province,	Number of Estates.	Prior to 1830.	1830 and 1840.	1840 and 1850.	1850 and 1860.	1860 and 1870.	1870 and 1880.	Total.	
Leinster	472	acres 157,713	acres 102,844	acres 286,203	acres 308,423	acres 154,273	acres 88,078	acres 1,097,534	
Munster	258	55,222	95,843	204,333	280,546	242,417	82,748	961,109	
Ulster	357	121,761	340,036	243,205	447,211	361,406	171,863	1,685,392	
Connaught	200	64,822	109,391	176,350	479,085	110,391	19,498	959,537	
Totals	1287	399,428	648,114	910,091	1,515,265	868,487	362,187	4,703,572	
Percentages		8.44	13.80	19.39	32.21	18.46	7.70	100.00	

every 100 the tenants pay now the same rents as they paid between 1850 and 1860. This is an ascertained and incontrovertible fact, and of itself affords a complete refutation of the charge that Irish landlords are constantly raising their rents; but its full force and significance do not appear at

first sight.

Only those estates respecting which precise and definite information was furnished are included in the tabulation, all vague or ambiguous returns being rigidly excluded. Let us now see the result. Of every 100 acres thus tabulated there are 221 acres on which the rents have not been disturbed for over forty years; there are 411 acres, including the former, on which the rents have not been altered for over thirty years; and there are 74 acres out of every 100 in which the rents are the same as they were twenty years ago. On the other hand, there are only 26 acres out of every 100 on which the rents have been changed within the last twenty years; and of these only  $7\frac{3}{4}$  acres on which the rents have been altered within the last ten years. These are facts—not mere random statements; and surely they dispose effectually of the charge that Irish landlords are continually raising their rents.

The charges of extermination by eviction of tenants.

In the following table we have the results of the inquiries of the Land Committee respecting estates extending over six and three-quarter millions of acres of land, occupied by over one hundred and

Table showing the Number of Evictions which have taken place during the last Ten Years upon Estates in Ireland with regard to which information has been obtained.

	Leinster.	Munster,	Ulster.	Connaught.	Ireland.
Total acreage of estates with regard to which accurate information has been received as to the number of actual evictions which have taken place during the last ten years	1,658,417	1,560,097	2,237,416	1,258,474	6,714,404
Number of tenants thereon	40,660	29,818	80,727	41,157	192,362
Number of evictions for non-payment of rent	266 70	277 79	320 136	168 72	1031 357
Total	336	356	456	240	1388
Average number of evictions per annum for non-payment of rent during the last ten years	26.6	27.7	32.0	16.8	103.1
Average number of evictions for causes other than non- payment of rent during the last ten years	7.0	7.9	13.6	7.2	35.7
Average number of evictions for all causes, per annum, during the last ten years	33.6	35.6	45.6	24.0	138.8
Percentage of average number of evictions for non-payment of rent, per annum, to total number of tenants, during the last ten years	.065	.093	.039	.041	•054
than non-payment of rent, per annum, to total number of tenants, during the last ten years	•017	027	.017	.017	.018
Percentage of average number of evictions for all causes, per annum, to total number of tenants, during the last ten years	.082	•120	.056	.058	•072

25

ninety thousand tenants. Little over a quarter of a million of acres, and only nine thousand tenants, have been excluded from tabulation for vagueness or incompleteness of detail. The area actually tabulated is, as nearly as possible, one-third of the whole country, representing a much larger area owned by the same landlords; and, as we have shown, fairly typical of the whole country. The table extends over a period of ten years, including the recent unfavourable seasons. If the landlords of Ireland are the exterminators that the agitators represent them to be, surely we shall find evidence of the fact in their dealings, on so many estates, with so many tenants. The facts, as ascertained by the Land Committee, are certainly surprising—so surprising that if they were not vouched by authority altogether unimpeachable, we might well hesitate to accept them. Of the 192,362 tenants occupying these six and three-quarter millions of acres—a full third, be it remembered, of all Ireland—only 357 (three hundred and fifty-seven) have been evicted during the past ten years for causes other than nonpayment of rent. Three hundred and fifty-seven evicted in ten years out of nearly two hundred thousand tenants, or less than thirty-six per annum, on an average-less than one in five thousand!

Coming to the evictions for non-payment of rent, we find a similar state of things. During the last ten years, only 1031 (a thousand and thirty-one) of these 192,362 tenants have been evicted for non-payment of rent—or on an average

only 103 (one hundred and three) per annum, being at the rate of one eviction for every eighteen hundred and sixty tenants. From this fact we necessarily infer, either that the tenants on these estates hold their lands at moderate rents, which they pay punctually, or that their landlords are the most forbearing and indulgent of men.

TABLE showing the Amount of Money expended on Improve-Improvement MENTS by LANDLORDS since 1840, on LANDS in the Occu- by landlord or tenant. PATION of TENANTS, so far as same could be ascertained.

		Total State	Between the Years						
Province.		Acreage.	1840 and 1880.	1850 and 1880.	1860 and 1880.	1870 and 1880.	Total.		
Leinster	181	1,045,361	\$02,879	£ 240,840	103,694	£ 10,183	£ 1,157,596		
Munster		1,067,996	492,009	202,893	155,593	22,071	872,566		
Ulster		1,138,906	456,919	126,431	25,800	28,077	637,227		
Connaught		964,356	709,043	107,151	35,753	25,211	877,158		
Ireland		4,216,619	2,460,850	677,315	320,840	85,542	3,544,547		

This table refers exclusively to money actually expended by landlords on improvements of lands in the hands of tenants, and it by no means represents the total expenditure by the landlords on the tabulated area during the same period, nor does it include, in many cases, assistance given to tenants in the shape of building materials, or allowances for improvements executed by themselves, such as draining, fencing, removing stones, &c. The data from which the table was compiled were, in many instances, exceedingly vague; and, even in cases where the amount was definitely stated, the period within which the money was expended could not be accurately given; hence the expenditure on many estates could not be tabulated at all. Thus only four and a quarter millions of acres out of a total of seven millions from which returns were received, are included in the tabulation; and, further, the period at which the outlay was incurred could not be given in decades, as in the preceding tables. Thus, of the money tabulated as having been expended between 1840 and 1880, a portion how large or how small we cannot say-may have been expended between 1850 and 1880; a further portion between 1860 and 1880, and so on. Similarly, of the money set down as having been expended between 1850 and 1880, portions may have been laid out between 1870 and 1880; but the amounts tabulated for each period are exclusive one of the other; the amount expended between 1870 and 1880, for instance, not being included in the amount expended between 1860 and 1880; and so on with the other columns.

This subject of improvements by landlords in Ireland is one on which much misapprehension exists; and it has been gravely argued that because landlords in England commonly provide suitable residences and farm buildings, and keep up fences, gates, &c., Irish landlords should do the same; and that if they fail to do so they forfeit, to a great extent, the title to their estates. Those who propound this doctrine are either grossly ignorant of the true

circumstances of the case, or they wilfully misrepresent them. There is really no analogy, in this respect, between the two countries. In England, the farm, as a rule, is large; in Ireland, it is small; in England, farms of ten, twenty, or even thirty acres are practically unknown; in Ireland there are, in round numbers, 370,000 tenants whose holdings do not exceed thirty acres, not reckoning those whose holdings do not exceed one acre.

We find, also, in this table, a curious point. The expenditure of money in improvements by landlords is very much less after the passing of the Land Act of 1870 than before: one-tenth less in Leinster, one-fifth in Munster. Want of confidence in the integrity of contract has already been felt.

The following table, which applies to nearly six and three-quarter millions of acres, proves that, although the existing agricultural improvements have been made by the tenants on 590 estates, they have been executed exclusively by the landlords on 200 estates, and that the landlords have contributed to the improvements on no less than 839 estates—or rather more than half the whole number tabulated. It is further to be observed that, in respect of area, the estates on which the improvements have been made by the tenants only are relatively the smallest. The tenants are returned as having made the improvements in 36·22 per cent. of the estates tabulated; but these estates comprise only 26·62 per cent. of the whole area included in the return;

## TABLE showing by whom the AGRICULTURAL IMPROVEMENTS have been executed on the ESTATES referred to.

			existing .	ber of Estates Agricultural I ve been execu	mprovements	Total	Agricult						
	Prov	ince.		100	Landlord.	Tenant.	Contributions from both Landlord and Tenant.	Number of Estates.	Landlord.	Tenant.	Contributions from both Landlord and Tenant.	Total Acreage.	
Leinster					94	202	312	608	225,899	300,798	1,096,321	1,623,018	
Munster					54	76	224	354	262,485	181,406	1,110,369	1,554,260	
Ulster					14	239	172	425	31,385	1,019,385	1,186,573	2,237,343	
Connaugh	t				38	73	131	242	209,954	262,234	738,895	1,211,083	
Ireland					200	590	839	1629	729,723	1,763,823	4,132,158	6,625,704	
Percentage	es				12.28	36.22	51.50	100.0	11.01	26.62	62.37	100.0	

30

while the estates on which the landlords have either made the improvements, or contributed towards them, form 63.78 per cent. of the estates, and 73.38 per cent. of the area. A similar disparity appears in the average area of the estates; those on which the tenants have made the improvements averaging barely 3000 acres each, while those on which the landlords contribute average about 4700 acres—the total acreage of the former class being only one and three-quarter millions, while the latter class comprises close on five millions of acres.

Two things must be remembered in connection with this branch of the question—firstly, that the law, until quite recently, expressly recognised the ownership of the landlord in all improvements made on his estate, no matter by whom, unless there was a written agreement to the contrary; and secondly, that tenants took their farms subject to this condition. Whether the law were a wise one or not, we need not stop to discuss; for since 1870, the presumption of ownership in improvements lies with the tenant—and the Land Act, which effected this change, is retrospective in its operation. No tenant can now be removed from his holding, even for non-payment of rent, without full compensation for any improvements he or his predecessors in title may have made thereon—and this, although when he took the holding, the presumption of law was the other way; and he got it at a reduced rent in consequence of that very presumption.

All the foregoing facts can be substantiated, and are perfectly accurate, having been put in as evidence before both the Commissions recently employed in investigating the causes of agricultural distress and the Land Act of 1870.

#### PRICES OF STOCK.

PRICES OF STALL-FED FAT CATTLE SOLD IN QUEEN'S COUNTY SINCE 1871.

		£	s.	d.			
1871.	20 head * at	21	10	0	about	70s. 1	per cwt.
1872.	**	20	10	0	,,	67s.	22
1873.	,,	24	0	0	,,	80s.	,,
1874.	,,	24	0	0	,,	80s.	"
1875.	,,	22	10	0	,,	738.	,,
1876.	,,	23	0	0	,,	748.	"
1877.	,,	20	10	0	. "	67s.	,,
1878.	,,	23	10	0	,,	80s.	"
1879.	,,	22	10	0	"	73s.	"
1880.	,,	23	0	0	"	74s.	,,

<sup>\*</sup> Average 6 cwt.

This table demonstrates how steadily prices have kept up, not gone down, as urged by Land League.

The table on other page shows the same thing, as well as giving the rise in price since 1850.

RETURN OF PRICES for STOCK and PRODUCE from the Years 1850, 1860, 1870, 1875, 1879, 1880; also showing basis of Griffith's Valuation, 1852.—Belfast Market.

Description of Produce.	1850.	1860. 1870.	1875.	1879.	1880.	A verage Price	Total Average	Basis of Griffith's
Description of Frontice.	Monday, 30th Dec.	Friday, 30th Nov. 2nd Dec.	Friday, 3rd Dec.	Friday, 5th Dec.	Friday, 3rd Dec.	Dec. 3rd, 1880.	for 31 Years.	Valuation, 1852.
Wheat, white Wheat, red	from s. d. s. d. 7 9 9 1 1 6 10 8 9 5 0 5 8 4 6 5 0 0 7 0 8 1 3 1 8 31 0 40 0 2 10 3 4 2 0 2 7 1 0 1 4 0 8 1 0 0 8 1	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	8 6 9 3 6 4 7 4 8 0 15 0  5 0 6 0 4 0 5 0 6 9 8 3 1 8 2 0 4 6	from to s. d. s. d. 10 9 11 6 10 9 11 6 6 6 7 4 8 0 17 0 4 2 2 2 4 3 4 2 2 2 2 4 5 6 9 3 0 9 9 3 4 3 6 38 6 60 0 3 4 4 4 11 2 0 0 3 7 1 8 2 6 1 10 2 5 1 1½	$ \begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{c} s.  d. \\ 10  10\frac{3}{4} \\ 7  7\frac{1}{2} \\ 11  10\frac{1}{2} \\ 3  7\frac{1}{4} \\ 9  1\frac{1}{2} \\ 0  11\frac{3}{3} \\ 1 \\ 43  2 \\ 3  9 \\ 2  8\frac{1}{2} \\ 2  0\frac{1}{2} \\ 1  11\frac{1}{2} \\ 1  0 \\ \end{array}$	8. d. 7. 6 4. 10  6. 1½  32. 0  0. 7

(Signed)

W. H. COULSON, Clerk of Belfast Markets.

Beef per 112 lbs.	30 0 48 0	45 0 63 0 70 0 75	6 70 0 87 6 50 0 80 0	60 0 70 0 65 0	61 9 05 0
Mutton ,,	37 4 56 0	56 0 70 0 74 8 77	0 65 4 84 0 56 0 93 4	65 4 84 0 74 8	68 6 41 0
Eggs per 100	46 48	50 62 60 7	$6 \mid 73 \mid 90 \mid 76 \mid 90$	5 10 10 0 7 11	6 3
Milch cows	120 0 240 0	220 0 400 0 320 0 460	0 320 0 480 0 280 0 460 0	240 0 440 0 340 0	326 0
Two-year-old cattle	80 0 180 0	160 0 240 0 180 0 220	0 200 0 240 0 180 0 280 0	190 0 300 0 245 0	200 0
One-year-old cattle	25 0 100 0	80 0 140 0 70 0 150	0 140 0 180 0 100 0 200 0	100 0 235 0 167 6	319 3

Note.—There is no official price list for beef, mutton, eggs, or cattle kept in Belfast market. The prices of beef and mutton are Dublin prices, and these have been taken from the market reports published in the 'Irish Farmers' Gazette.' Eggs.—The prices given are the wholesale rates current during the summer months in the Dublin market. Prices of milch cows, two-year-old and one-year-old cattle, have been taken from the reports of country fairs, held during the months of May and June in each year, and published n the 'Irish Farmers' Gazette.' The price of cruffles (4s. 2d.) for 1880 is the average price from July until the end of the season.

## PROPRIETORS OF LAND IN IRELAND.

. 19,386
. 161
. 10,431
. 14,095,813
. 1,623
n
. 1,350
5,129,169

This statement is founded on a return presented to the House of Commons, April 24, 1872.

On examining this statement the reader will observe that there are only 1623 actual absentees out of a total of 19,386 proprietors.

Out of this 1623 again, 186 are occasionally resident, reducing the number to 1443.

Of the 1350 who have sent in no return, it may be fairly assumed that one-half are resident, one-half absentees, which would therefore leave the number of actual absentees at 2118 out of a total of 19,386.

It may therefore be assumed that about one in every nine proprietors is an absentee.

I much doubt if an equally favourable return could be made for England or Scotland.

#### AGRARIAN CRIMES

During 4 months, August, September, October, November, 1880.

#### CLARE.

43 Threatening letters.

3 Cases of firing into dwelling-houses.

2 ,, maining cattle.

8 , arson.

3 ,, taking forcible possession.

#### CORK. WEST RIDING.

1 Murder.

25 Threatening letters.

15 Malicious injuries.

5 Compelling people to leave by violence.

1 Attack on the sheriff and his officers.

#### KERRY.

101 Threatening letters.

23 Cases of arson.

4 ,, maining cattle.

Malicious injuries without number.

6 Cases of attacking dwelling-houses.

#### LIMERICK.

58 Cases of threatening letters.

16 " arson.

9 ,, maining cattle.

9 , malicious injury to property.

7 ,, taking forcible possession.

1 Murder.

### LEITRIM. CONNAUGHT ASSIZES.

75 Indictable offences (all agrarian).

#### SLIGO.

44 Indictable offences (of the agrarian type).

#### ROSCOMMON.

- 46 Indictable offences (34 agrarian).
- 23 People declined to come forward or give any information.

#### MAYO.

- 236 Indictable offences (215 people refused to come forward).
  - 15 Cases of threatening letters.
    - 2 ,, firing at the person.
  - 14 Assaults.
  - 29 Arson.
  - 24 Killing and maining cattle.
  - 30 Wilful injury to property.
    - 9 Riots.
    - 4 Unlawful assemblies.
    - 5 Attempts to compel people to quit their farms.
  - 10 Assaults on dwelling-houses.
  - 73 Writing and sending threatening letters.
- 236 Total Indictable offences.

#### GALWAY.

- 291 Indictable offences (278 people refused to prosecute).
  - 75 Threatening letters.
  - 31 Cases of maining cattle and destroying property.
  - 22 , arson.
  - 5 Assaults endangering life.
  - 3 Murders.

#### CORK. EAST RIDING.

51 Threatening letters.

22 Cases of arson.

3 " maining cattle.

7 ,, forcible possession. Numberless assaults on bailiffs.

#### CONCLUSION.

In conclusion, I wish most strongly to affirm-Conclusion. and I think any person reading these pages carefully will agree with me—that the Irish tenant is amply protected from all capricious tyranny by his landlord, and is in a better position than occupiers of land in England or elsewhere. The only power left the landlord is that of raising the rent to undue height; that only can be done if the tenant is foolish enough to agree to it, or sufficiently greedy to offer a higher rent than his neighbours. Mr. Parnell unconsciously solved the difficult Irish problem when he counselled his hearers never to offer a rack-rent or take a farm from which another was evicted owing to inability to pay a rack-rent. Mr. Parnell's object in giving this advice was hardly, I think, to ensure the prosperity of the country; but if the practice he advised had been carried out twenty years ago, the Irish tenant of to-day would have been in the same condition as the English farmer, and would have taken the true commercial value of the land into consideration, not its sentimental attractions.

Whatever Land Bill is introduced, it cannot be, if just, a sweeping or wholesale measure. Enactments that may apply to one class of estates with perfect justice, cannot be honestly enforced on another class.

It is proved conclusively that thousands of Irish landlords have recognised their duties as well as their rights. You cannot make them liable for the sins of the few. In the same way it would not be just to decimate a town because a murder had been committed in its limits.

Let Government, if it will, arbitrate between the foolish tenant and the exacting landlord as far as rents are concerned, and prohibit the suicidal tendency of the farming class to compete for land, and land alone; let it also at the same time remember that any Act which hands over the improvements made by the landlord to the occupier is an act of theft, and will eventually destroy all sense of security for capital, the one thing most needed in Ireland.

Ireland wants peace, law and order, security for life and property, and last, but not least, capital.

This latter can only follow on the advent of the three former blessings. Honesty and justice will bring peace and security, while they in their turn will conduce to that rest from agitation which is so much needed.

If Government sacrifices justice to expediency

now, it must be prepared for fresh agitations, new and impossible demands hereafter. Concessions granted to injustice must end in a struggle between those unjustly treated and those who have demanded the injustice. In many parts the Irish tenant's position is not a good one. Changes are wanted both in his physical and social condition, but all of them must be moderate and practical, not wild and theoretical. Let Government introduce these alterations, and place the tenant on a firm and just footing; and let those men who now use the credulity of their countrymen for their own rebellious and violent ends, learn that the prosperity of their native land can only be ensured by upholding "that majesty and power of law and justice" which they are seeking to overturn.

# enciacement a control for equip od farm it more successive of INDEX.

						P	AGE
Absentees	.00		ai o	.It I	.obn	a cons	34
Acre, Irish compared to Statute .			mol	tion			15
Agrarian Crimes							35
		. Vill		THIO			16
Area of Ireland		.Uni	ent.	1	a. 11.	15,	16
Bright Clauses				TELG	·bli	· to	8
Disturbance						6,	
Distraint					-		5
Ejectments	:	Dur.	000		.bai		
- · · · · · · · · · · · · · · · · · · ·	dod	1.10	ortil.	50	. 91		
Hanging Gale						16,	
O 'MIL TT 1 1'-					10,	11,	
Improvements, Landlords'	2 0	TOP!	.071	LEA	.Tie	27,	
Tenants'		KO.	and)	20 7	gib	eric	30
" Compensation for		·	4 10	ti ly	(	5, 7,	
Land Act of 1870						••	6
Landlord's Power of Entry							18
Leases							17
Money expended by Landlords					.,.		27
Poor Rate							9
Power of Redemption							6
Prices of Stock, &c							33
Rates and Taxes						••	13
Rents raised (Return)							23
Safeguards to Tenants							19
Tenures, Table showing							14
Waste Land, Amount						15,	16

# EXTRACTS

FROM

# PARLIAMENTARY SPEECHES

ON THE

# IRISH LAND QUESTION.

APRIL, 1881.

ISSUED BY

THE IRISH LAND COMMITTEE, 31, SOUTH FREDERICK-STREET, DUBLIN.

DUBLIN:
PRINTED AT THE UNIVERSITY PRESS,
BY PONSONBY & WELDRICK.

## INDEX.

				P	age.
COLLIER, RIGHT HON. SIR R. P., (Attorney-General, 1870.)					87
DOWSE, MR. R.,					71
DUFFERIN, LORD,					69
FORTESCUE, RIGHT HON. CHICHESTER (LORD (CHIEF SECRETARY FOR IRELAND, 1870.)	CARL	INGFO	RD).		55
GLADSTONE, RIGHT HON. W. E., (First Lord of the Treasury, 1870.)					2
GRANVILLE, EARL,					53
HARTINGTON, RIGHT HON. MARQUESS OF, (Postmaster-General, 1870.)	•				45
LAW, RIGHT HON. HUGH,					89
LOWE, RIGHT HON. R. (LORD SHERBROOKE), (CHANCELLOR OF THE EXCHEQUER, 1870.)					65
PALMER, SIR ROUNDELL (LORD SELBORNE).	. 1, 17				75

For Index to Subjects, see Page 101.

IRISH LAND BILL, 1870.

3 Hans., excix. 350.

Fixity of Tenure.

Compensation to Landlords.

## MR. GLADSTONE.

There is, however, a proposition which has been made, and which, in my opinion, deserves to be treated with serious attention. As I have said, insecurity of tenure is the great mischief we have to face; and I will now consider the forms in which proposals for a remedy are made. Sometimes we hear the remedy described by perpetuity, sometimes by fixity, sometimes by security, sometimes by certainty, and sometimes by stability of tenure. All these five words express in different forms the different shapes which it is desired the remedy should assume. As among these, I shall regard the word "fixity" as meaning perpetuity, or approaching to perpetuity, and I shall consider stability, certainty, and security as mutually corresponding, expressing a somewhat different idea. They express the idea of a tenure which would enable a man to pursue his industry without fear of loss from any change that may happen to him on the part of the landlord; they do not express the transference to him of the essential right of property in the soil. Now, the evil is so great that I, for one, am prepared to say that I can hardly conceive of any alternative which would not be better than the continuance of the present state of things; and I do not think that anything dishonourable, anything that intends an injury to another, has been projected by those who have set up perpetuity of tenure for the Irish occupier as their favourite scheme, because we have not a doubt that they have seen that inasmuch as perpetuity of tenure on the part of the occupier is virtually expropriation of the landlord, and as a mere readjustment of rent according to the price of produce can by no means dispose of all contingencies the future may produce in his favour, compensation would have to be paid to the landlord for the rights of which he would be deprived. I have no doubt that they have taken this circumstance into their view; but, at the same time, while this proposition is to be indisputable, I hold that the plan is attended with the greatest practical difficulty, even were it on this ground alone. Because the question will be, By whom is that compensation to be paid? It must either be paid by our old familiar friend, the Consolidated Fund-to which it appears to me that the people of England and Scotland would certainly have a word to say-or else it must be paid by an immediate increase of the rents now payable in Ireland, in order to compensate, by a positive augmentation at the moment, the landlords of Ireland for the loss of their chances in the future. Now, I do not know how a measure is to be framed either upon the one basis or on the other. But suppose for a moment that we put the financial difficulty out of view, what would be the Fixity of effect of perpetuity of tenure upon the tenant? As I un- Tenure. Valuation of derstand it, the scheme itself amounts to this-that each Rents. and every occupier, as long as he pays the rent that he is now paying, or else some rent to be fixed by a public tribunal charged with the duty of valuation, is to be secured, for himself and his heirs, in the occupation of the land that he holds, without limit of time. He will be subject only to this condition-somewhat in the nature of the Commutation of Tithe Act—that with a variation in the value of produce the rent may vary, but it will be slightly, and at somewhat distant periods. The effect of that provision will be that the landlord will become a pensioner and rentcharger upon what is now his own estate. The Compensation Legislature has, no doubt, the perfect right to reduce him to Landlords. to that condition, giving him proper compensation for any

loss he may sustain in money; the State has a perfect right to deal with his social status, and to reduce him to that condition, if it thinks fit. But then it is bound not so to think fit unless it is shown that this is for the public good. Now is it for the public good that the landlords of Ireland, in a body, should be reduced by an Act of Parliament to the condition practically of fundholders, entitled to apply on a certain day from year to year for a certain sum of money, but entitled to nothing more? Are you prepared to denude them of their interest in the land? and, what is more, are you prepared to absolve them from their duties with regard to the land? I, for one, confess that I am not; nor is that the sentiment of my Colleagues. We think, on the contrary, that we ought to look forward with hope and expectation to bringing about a state of things in which the landlords of Ireland may assume. or may more generally assume, the position which is happily held, as a class, by landlords in this country—a position marked by residence, by personal familiarity, and by sympathy with the people among whom they live, by long traditional connexion handed on from generation to generation, and marked by a constant discharge of duty in every form that can be suggested—be it as to the administration of justice, be it as to the defence of the country, be it as to the supply of social, or spiritual, or moral, or educational wants—be it for any purpose whatever that is recognized as good and beneficial in a civilized society. Although, as I have said, nothing would induce me voluntarily to acquiesce in the continuance of such a state of things as has prevailed, and still, to a great extent, prevails in Ireland—it would, I own, be a most melancholy conclusion were we to find that we could not rectify that which is now wrong in the land tenures of that country without undertaking a social revolution-a social revolution in which the main characteristics would

Ti

be the absolution of wealth and property from the performance of duty, and an addition to that lounging class—unfortunately too abundant in this country—who are possessed of money and of nothing else, and who seem to have no object in life but to teach us how to multiply our wants and to raise the standard of our luxuries, even when we have not yet solved the problem, or got to the heart of the secret, how we are to relieve the destitution which is pining at our doors.

Again, perpetuity of tenure must, I think, be further Fixity of considered from this point of view. If the land is to be Tenure. bought, it should be bought by and for the State, and that which is so purchased should be distributed among, or applied for the benefit of, the whole nation. But the occupiers of land in Ireland, though they of themselves constitute something near a moiety of the people of the country, yet are not the whole people. And it would, I think, be difficult to show why, in favour of these particular persons being occupiers, the whole essence of proprietary right should be carried over from the class that now possesses it to that which, though infinitely larger, is still a class, is not the whole people of the country. But consider again how this plan is to work. Let me suppose myself an Irish occupier invested by an Act of Parliament with perpetuity of tenure. If I want to let the Practical property which I have thus acquired, am I to be allowed to let it to a tenant—a mere tenant—or am I not to be allowed to let it to anybody but a perpetuity-man like myself? If I am only to let it to a perpetuity-man, I can only let it to that class of men who are prepared both to cultivate the soil and to pay me the price of the permanent estate. The strange position in which we should then find ourselves would be, that all that active and energetic class which does not require any permanent estate in the land, but exists by the intelligent and profitable application

Difficulties.

Compensation for Disturbance.

customs may be found, and where, at the same time, the tenant is not protected by any lease, and feels in its full force that tremendous evil of insecurity of tenure, which may at present be said to be the monster evil of Ireland. We propose to deal with these cases by establishing a scale of damages for eviction. This scale of damages is, of course, subject to limitations. In the first place, it is subject to all the limitations that I have just described as applying to customs other than the Ulster custom; it can only be applied when the landlord disturbs the tenant in his holding: it cannot be applied if the tenant sublets or subdivides his holding, or if he be evicted for non-payment of rent; arrears of rent and damage to the farm may be set off against it; and it may be barred by a length of lease of thirty-one years or upwards. It is also provided that in case of holdings above £50 parties may "contract themselves out" of this provision of the Act-what I call the scale section, the section for scale of damages-provided they receive a lease for at least twenty-one years, and if by that lease the landlord contracts to execute the improvements necessary in order to cultivate the soil in the due manner of husbandry. It is likewise provided that in farms of a certain size, the parties may, if they please, "contract themselves out" of this provision of the Act, as I believe some lawyers term it. Our reason for here introducing this liberty is as follows: -Our desire is to interfere with freedom of contract as little as possible. We are about to interfere with it in regard to the terms on which minor tenancies may be taken, because we say that in the circumstances of Ireland the tenant is not free; but as we move upwards in the scale of the value of holdings. at last, undoubtedly, we reach a point where the tenant may be said to be free. No one would say, for instance, that a tenant of £500 a-year in Ireland was not substantially and for the most part as free as a farmer of the cor-Mr. Gladstone.

Freedom of Contract.

responding class in England. Therefore, we propose to provide, with regard to the scale of damages for eviction, that persons having a farm not rented but valued in the public valuation at £100 and upwards, may, if they think fit, contract themselves out of this section of the Act. Now as to the scale of damages itself, which I will explain to the House as clearly as I can. In applying this scale the Judge is required by the Act to have regard to two things -first, the improvements which have been executed by the tenant upon the farm; and secondly, the loss which the occupier is about to sustain by being ejected from his holding. . . . Suppose the case of a landlord, the value 3 Hans., of whose land has, from circumstances, undergone a real excix. 372. increase otherwise than from the labour of the tenant. Compensation for Disturb-That landlord is entitled to a fair increase of rent. But ance. suppose the tenant refuses to pay any increase whatever, and says-" Evict me if you dare"-trusting to the scale of damages. The landlord evicts. The case comes before the Judge. The landlord may say—" It is true I have evicted this man, but I have done so because he only pays me 15s. an acre, and I will show you that the land is worth a great deal more; it is a case for an augmentation of rent, and I called upon him to pay 20s. an acre, but he claims to remain at his present rent." That will be a matter for the Judge to take fairly into consideration, and he will make deductions from the tenant's claim on that account. Or take another case. Suppose the landlord, desiring, for a particular reason, to obtain possession of a particular holding, offers to the tenant a holding of the same kind, or a better one, on his own property, so that, in point of fact, the tenant probably sustains neither damage nor inconvenience. The landlord ought to be able to plead this, and to show it to the Judge; and when he does so, and shows that he has only evicted the tenant on account of the tenant's unreasonable conduct, the Judge will make a

Equities Clause.

deduction in consequence from the amount of damages which the landlord would be otherwise liable to pay. In truth, the Equities Clause will enable the Judge to take fully into view, and weigh in his own mind, all those points which affect the real merits of the case, by lowering the amount of compensation, or even should the case warrant it, by refusing compensation altogether, although the landlord may have been driven to evict the tenant. In the ordinary case of eviction for non-payment of rent, or for subdividing the land, the House will understand that the scale does not apply at all. . . .

3 Hans., excix. 379. Valuation of Rents.

. . . We have been very anxious to avoid by this Bill any interference of a public authority with any existing rent; but when we look at the case of Ireland we are compelled to admit that of late years especially there may have grown up in certain cases contracts for rent of a character most extravagant, which it is totally impossible for the tenant to pay and at the same time to live upon his holding. I will mention a case which was told me by the proprietor of an estate in Ireland. He said, in substance—"There is an estate adjoining mine, which was sold in the Encumbered Estates Court. The land on both sides of the border is of exactly the same quality. My land is rented at 15s. an acre, and I consider it rather moderately rented; no doubt if I tried I could get 18s. an acre for it; but not more with any kind of justice or moderation. The moment the land adjoining mine was sold in the Encumbered Estates Court a demand was made on the tenant for 32s. an acre. This was refused. But the rent was actually raised to 24s. an acre." It was absolutely impossible for a tenant to pay that amount of rent and live upon the land; but, under the pressure of this deadly necessity, which we say—not in all cases, but very often-practically impairs, and which, in some cases, really destroys freedom of contract on the part of Irish

Mr. Gladstone.

occupiers, they have been compelled, as a question of dear life, to enter into agreements which they cannot fulfil with any justice to themselves. The Bill will proceed upon the principle—and my hon. Friend the Member for Cork (Mr. Freedom of Maguire), who has taken so laudable an interest in this subject, cannot understand me too clearly on this pointthat from the moment the measure is passed every Irishman, small and great, must be absolutely responsible for every contract into which he enters. By the Bill we Security of endeavour to establish a fair and equitable state of reci- Contracts. procal rights and duties; and having done this, we ought to embody in it nothing that can encourage any man to tamper with good faith, or to disparage or undervalue in any shape security and solidity of contracts. But we do feel that in certain cases there is a given amount of difficulty as to some of those contracts now in existence, which may have been made under what we admit to have been an unfair and inequitable state of circumstances. Now, the provision we have made to meet the peculiar class of cases I have described is this. The case supposed is, that such a man as I have just sketched to the House may find himself unable in good faith to pay the rent, or to make out of the land what every tenant ought to make in proportion to the rent he pays. We provide by the Bill that, as a general rule, eviction for non-payment of rent shall be held to be an absolute bar to any claim upon the landlord except for improvement; but with regard to Compensation those cases where the Court upon its responsibility and in for Disturbits discretion find special circumstances, we allow it in the exercise of its discretion, to allow the damages even though the eviction be for non-payment of rent. The clause runs as follows :-

"For the purposes of this Act ejectment for nonpayment of rent shall not be deemed disturbance of the tenant by the act of the landlord."

And with regard to all prospective contracts it is absolutely necessary that if the landlord evict for non-payment of rent, that should not be in the sense of the Bill a disturbance of the tenant by the landlord, for the tenant will disturb himself for non-payment of the rent. . . .

3 Hans., excix. 382.

Results of Bill.

Compensation for Disturbance.

Subletting. Subdivision.

Our desire is that when it has received the sanction of the Legislature it may become a great gift to Ireland, and may put an end to the grievances and sufferings which have so long accompanied the tenure of land in that country. We found it necessary to propose a Bill which, in our judgment, should be adequate. We sought to give security of tenure to the occupiers of the soil; and this we found it impossible to do by any less operative measure than that of, firstly, by attaching to evictions such conditions as would render them impolitic and difficult on the part of the landlord, unless there existed strong and most legitimate reasons why he should resort to this extremest remedy; and, secondly, of securing the evicted tenant, if he had fulfilled his contract, from the danger and the fear of being thrown out upon the world without carrying with him a fair and reasonable compensation—not only for the improvements which he had effected, but also for the deprivation of those means of livelihood which had been afforded him by the occupation of the land from which he was evicted. But we have not, knowingly at least, proceeded in any spirit of partizanship, and as we have afforded the occupier improved security of tenure, so also have we afforded the landlord improved security for his rent, and improved security, as we think, for the better cultivation of his land; indeed we have, I hope not unwisely, given him powers against the unauthorized subletting and subdividing of his property which he does not now enjoy; for the tenant, if he choose to resort to such a practice, will lose some of the greatest advantages offered him by this Bill. In addition to this we have Mr. Gladstone.

likewise given to the landlord free scope to intercept by means of leases, if he thinks fit, the more exceptional operation of the Bill.

I am persuaded, Sir, that if only we have the assist- 3 Hans. ance of this House in adjusting the provisions of the Bill, no long time will elapse before the landlord will have cause to rejoice not less than the tenant in the adoption of the measure by the Legislature. And if, on the other Operation of hand, I am asked why I believe the Bill will be accepted by the tenant, I will say that, though it does not profess to transfer to others the rights of the landlord in the soil, I still believe it will be accepted, and I found this belief upon a firm conviction of the truth of that remarkable declaration, which was made two centuries and a-half ago by one of the most acute observers of his day, Sir John Davies, the Attorney-General of James I., whose writings upon Ireland are even now full of interest and instruction. In those writings are contained these memorable words—"There is no nation of people under the sun that doth love equal and indifferent justice better than the Irish." That was true in the 17th century, and nothing that has since happened has tended, in my mind, to shake its truth. The Irish people, as lovers of justice, while demanding justice for themselves will desire justice for others. Justice for themselves will have been obtained when they are able to pursue their industry in peace and confidence, with a certainty of reaping its fruits. More than that they will not ask; and as the whole aim of this Bill is to secure for them those great advantages, I am persuaded that they will accept it as a just and valuable boon. And if, again, I am asked what I hope to effect by this Bill, I certainly hope we shall effect a great change in Ireland; but I hope also-and confidently believe—that this change will be accomplished by gentle means. Every line of the measure has been studied with the keenest desire that it shall import as little as possible

of shock or violent alteration into any single arrangement now existing between landlord and tenant in Ireland. There is, no doubt, much to be undone—there is, no doubt, much to be improved—but what we desire is, that the work of this Bill should be like the work of Nature herself, when on the face of a desolated land she restores what has been laid waste by the wild and savage hand of man. Its operations, we believe, will be quiet and gradual. We wish to alarm none; we wish to injure no one. What we wish is, that where there has been despondency there shall be hope; where there has been mistrust there shall be confidence; where there has been alienation and hate there shall, however gradually, be woven the ties of a strong attachment between man and This we know cannot be done in a day. measure has reference to evils which have been long at work; their roots strike far back into bygone centuries; and it is against the ordinance of Providence, as it is against the interest of man, that immediate reparation should in such cases be possible; for one of the main restraints of misdoing would be removed if the consequences of misdoing could in a moment receive a remedy. For such reparation and such effects it is that we look from this Bill; and we reckon on them not less surely and not less confidently because we know they must be gradual and slow; and because we are likewise aware that if it be poisoned by the malignant agency of angry or of bitter passions, it cannot do its proper work. In order that there may be a hope of its entire success it must be passed—not as a triumph of party over party, or class over class; not as the lifting up of an ensign to record the downfall of that which has once been great and powerful—but as a common work of common love and goodwill to the common good of our common country. With such objects and in such a spirit as that, this House will address itself Mr. Gladstone.

to the work, and sustain the feeble efforts of the Government. And my hope, at least, is high and ardent that we shall live to see our work prosper in our hand, and that in that Ireland which we desire to unite to England and Scotland by the only enduring ties, those of free will and free affection, peace, order, and a settled and cheerful industry, will diffuse their blessings from year to year, and from day to day, over a smiling land.

Mr. Hunt: The right hon. gentleman referred to what he 3 Hans., termed a provision relating to goodwill, and said that wherever a lease came to an end goodwill would naturally arise. I understood that it had no reference to any claim for improvements, but simply compensation for the tenant being disturbed in his holding by the landlord when he was not in arrear for rent, and had not subdivided his land. I do not know if the right hon. gentleman assents to that.

Mr. GLADSTONE: I did unquestionably use the word Compensation goodwill several times. The most correct phrase is damage for Disturbance. for eviction, or some equivalent phrase.

Mr. Hunt: As I understand now, damages for eviction have no reference to any improvements on the land which the tenant has made.

Mr. Henley: But he (Mr. Henley) was very much 3 Hans., surprised at the end of those arguments—the arguments excix. 1546. being morally as sound for all time as they were for Fixity of to-day-to hear the right hon. gentleman declare that for the present he was not disposed to entertain the question of fixity of tenure. The right hon. gentleman shook his head. All he could say was, it was so reported in The Times and the public papers. If he did not say so, he would say no more about it.

MR. GLADSTONE: The right hon. gentleman is perfectly justified in quoting that phrase as spoken by me; but the

sense in which I used it is entirely misconstrued. The sense in which I used it was this, and I hope it will be plain. I had made a lengthened argument on the subject; it was my duty to suppose that others who had studied the question had their views upon it which I was bound to hear; and what I meant was that I now bade adieu to the argument for the present, though I might revert to it in case it should be revived.

He took his main, or one of his main objections to the

3 Hans., excix. 1834.

Compensation for Disturbance.

3rd clause—the clause which gives damages for eviction on the ground that it tells against the good landlord and lets off the bad. Now, not only is that not the fact, but it is the very reverse of the fact. For example, by the good landlord is meant the man who lets his land at a moderate rent, and by the bad landlord a man who lets it at a rent which is unduly high. By the clause itself the amount of compensation which is to be given is not to be assessed upon the acreage but to consist of so many years' rent; so that if the bad landlord has taken two years' rent for his land, where the good landlord has only taken one, then for that very reason the bad landlord will pay twice as much compensation as the good. But, more than that, the right hon. Gentleman has forgotten to take into consideration the operation of the equity clauses. I do not deny that, looking to the 3rd clause as it stands alone, it would be in the power of the evicted tenant to go before the Judge and say-" My loss has been great, because my land was good and my rent was moderate." But, take in connection with it the equity clause, for that gives the landlord the power to say--" The rent was unnecessarily low; I evicted him because he refused to pay a rent that is reasonable, and it is your duty as Judge to take that fact into consideration and disallow the scale of damages

Equities Clause.

Mr. Gladstone.

which the 3rd clause contemplates." So that I venture to say that the clause has been constructed with the greatest care, not only to avoid the evil-which I admit would be a fatal one, of allowing the Bill to work against a good landlord and in favour of a harsh one-but to secure to the good landlord, as nearly as may be, the amount of reward corresponding with the justice of the case. . . .

In the first place, with regard to the definition of the 3 Hans., Ulster tenant-custom, it is impossible to define it without excix. 1836. altering it. It wears a variety of forms. These forms Ulster Custom. are all variations based upon one common model; they are all varying modifications of one substantial rightthat is, the right of the tenant to dispose of his occupation. . . . The ground of our proposed legislation as 3 Hans., to the Ulster custom ought to be well understood. . . . The ground we take is this-The Ulster tenants have made a large investment of money. It is variously estimated, but is stated, without any proof or strong presumption of exaggeration, to amount to £20,000,000. That £20,000,000 has not had all the protection we hold that it ought to have. We contend that the tenants have made this investment, as a rule, with the knowledge and consent of their landlords, and that, having been made with that knowledge and assent, it amounts to a covenant between the parties. . . . That is not true with respect to the rest of Ireland, except in rare cases. It will be admitted that the cases are exceptional in which, unless in Ulster, an incoming tenant pays a sum to the outgoing tenant with the consent of his landlord. . . . The Ulster 3 Hans., custom is not stereotyped by the Bill. As I have said, it does not consist in a right to demand any particular sum of money. A man may give twenty years' purchase in Ulster for his holding. If it so happens from any course of circumstances that the value of that tenant-right declines in the market to fifteen or ten years' purchase, the

Ulster tenant has no remedy; he has bought something in the market, and like other purchasers, he must take his The custom does not guarantee the replacement of his money, and we do not. What he is entitled to by the custom, speaking generally and apart from modifications, is to get what the market will yield. Instead of stereotyping the particular sums which may be paid, all that could be done by the clause would be to say, subject to variations in the customs of the county, he should obtain that which the open market will yield him for the interest with which he was about to part. . . . hon. Friend the Member for Kilkenny (Sir John Gray) seems to think that we ought to give one law to all Ireland, for he complains that by the Bill we give four laws to Ireland. I may say we distinctly decline to admit that it would be giving one law in substance to Ireland, though it might be so in form, if we were to provide the same legislation and the same compensation for men who have paid nothing at all when they took their holdings. as we provide for those who have invested large sums of money; and upon that subject we cannot be too explicitly understood by the hon. Member for Kilkenny. But this is a Bill, as I ventured to describe it at the outset, which aims not at giving perpetuity of tenure or fixity of tenure, nor at giving anything which, however different in sound. would in sense and substance be found to correspond with those modes of action, but it is a Bill for giving stability of tenure and for giving security to the mind of the occupier of the soil, so that he may pursue his honourable avocation in peace, in confidence, and in safety. The aim of this Bill is to secure him in that condition, but to secure him, not by giving him a property in the soil, but by attaching such conditions to the act by which alone the landlord can remove him, that that act shall

become difficult and costly to such a degree that, humanly

Extension of Ulster Custom.

Fixity of Tenure.

3 Hans., excix. 1841.

Security of Tenure.

Joint property in the soil.

Mr. Gladstone.

speaking, we may be confident it never will be resorted to except for good reason. I wish to borrow for one moment the admirable language of my hon. Friend the Member for Tralee (The O'Donoghue), who said that under this Bill it will be next to impossible for the landlord to evict the tenant except for reasons which every man capable of discriminating between right and wrong will own to be sufficient.

We must endeavour to make reason reach the ears and 3 Hans. the minds of the Irish people. Perpetuity of tenure is a phrase that I flatter myself is a little going out of fashion. Fixity of If I have contributed anything towards disparaging it I am not sorry. But another doctrine is advanced which I wish the House to consider, because I confess that to me it presents but too much the character of the old friend with a new face. It is the doctrine which is sometimes Valuation of called fair rents, and sometimes called valuation of rents. Now, not even of that have we heard a very great deal during the debate. But a description of it was lodged in my hands by an important deputation, which desired that any Bill to be passed by Parliament should recognize for the tenant these things-

"A right to continued occupation, subject to the payment of the rent to which he is liable, or to such charge of rent as shall be afterwards settled from time to time by fair valuation as hereinafter provided, and the right to sell his interest to any solvent tenant to whom the landlord cannot make reasonable objection."

Now, Sir, what is this fair valuation of rents? In my opinion, the question as to the greater or less amount, or the particular adjustment of the scale, is a question that admits of being treated as one of degree. If the scale is too high, reduce it; if it is too low, raise it; if it is clum-

excix. 1843.

Compensation for Disturbance.

Joint Property in the soil.

Reduction of Excessive Rents. sily and ill-constructed, give it a better and a nicer adjustment. But that which is our main contention is thisthat the great remedy which, apart from custom, ought to be provided for the Irish occupier, should be provided for him in the shape of a shelter against eviction, of a penalty, if I may so call it, upon eviction, but not upon the footing of a joint property in the soil. When he has paid his money that gives him such property, inconvenient as it may be, with the consent, or with the fairly presumed consent, of his landlord, he is entitled to be protected; but I am not prepared, nor are my Colleagues, to admit that the just protection of him affords either an apology or a reason for endowing him with a joint property in the soil. Now, Sir, the claims-to which it is my duty to object—which are made on behalf of what I may call the popular party in Ireland are these two. In the first place, it is said that there ought to be a power to reduce excessive rents. Sir, with much reluctance, but from a sense of the necessity of the case, we have introduced into the Bill an exceptional power, not to reduce excessive rents, but to make allowance, on the occasion of eviction, for non-payment arising out of excessive rent. We have introduced that provision from a sense of its necessity, and as a partial, occasional, and temporary measure, necessary to complete the rectification of the present confused and irregular state of things. But it is proposed that we should establish permanently and positively a power in the hands of the State to reduce excessive rents. Now, I should like to hear a careful argument in support of that plan. I wish, at all events, to retain at all times a judicial habit of not condemning a thing utterly until I have heard what is to be said for it; but I own I have not heard, I do not know, and I cannot conceive, what is to be said for the prospective power to reduce excessive rents. In whose interest is it asked? Mr. Gladstone.

Certainly not in the interest of the landlord? Is it asked in the interest of the tenant? Shall I really be told that it is for the interest of the Irish tenant bidding for a farm that the law should say to him-"Cast aside all providence and forethought; go into the market and bid what you like; drive out of the field the prudent man who means to fulfil his engagement; bid right above him and induce the landlord to give you the farm, and the moment you have got it come forward, go to the public authority, show that the rent is excessive and that you cannot pay it, and get it reduced"? If I could conceive a plan more calculated than anything else, first of all, for throwing into confusion the whole economical arrangements of the country; secondly, for driving out of the field all solvent and honest men who might be bidders for farms, and might desire to carry on the honourable business of agriculture; thirdly, for carrying widespread demoralization throughout the whole mass of the Irish people, I must say, as at present advised—to confine myself to the present, and until otherwise convinced -it is this plan and this demand that we should embody in our Bill as a part of permanent legislation a provision by which men shall be told that there shall be an authority always existing, ready to release them from the contracts they have deliberately entered into. This is one demand; Valuation of the other demand is for valuation of rents; and I beg the House to consider what is meant by the valuation of rents. I have heard from my hon. Friend the Member for Galway (Mr. W. H. Gregory)-speaking in the character of an Irish landlord, which he so well sustainssome expressions showing that he looks with no disfavour on valuation of rents. Well, I at once make this admission—if the Irish landlords, if any particular landlord thinks it desirable to have his rents fixed by public authority-I will not say it is desirable on public grounds, but

still it may be done. However, what I do wish is, in

Practical Difficulties.

Valuation of Rents Fixity of Tenure in disguise.

Valuation of Rents. Difficulties. the first place, that there should be a clear manifestation of the views of the Government, and secondly, of the House, that we are not ready to accede to a principle of legislation by which the State shall take into its own hands the valuation of rents throughout Ireland. I say take into its own hands, because it is perfectly immaterial whether the thing shall be done by a State officer forming part of the Civil Service, or by an arbitrator acting under State authority, or by any other person invested by the law with powers to determine on what terms as to rent every holding in Ireland shall be held. If you are to value rents you must take into your own hands the fixing of every other condition of agricultural holdings, because otherwise in vain do you fix the rent. You fix the rent, but the landlord thinks it too small, and having imposed some onerous condition, he then says to the tenant-"I will relax the conditions if you consent to pay an advanced rent." The mathematical result is, that if you undertake to fix the valuation of rents by public authority you must likewise undertake to fix the whole conditions of every agricultural holding. There is no escape from that conclusion. Well, then, are you prepared to undertake that? We say—"Give shelter to the tenant from loss by eviction, and make that shelter effectual." This doctrine says—"Give over to the tenant a great, a paramount, a permanent interest in the land." Am I mistaking it or not? My proposition is that if you value rents you may as well for every available purpose adopt perpetuity of tenure at once. It is perpetuity of tenure only in a certain disguise. It is the first link in the chain, but it draws after it the last. Now look at its practical difficulty. We are to value these rents. What an army of public officers are you to send abroad to determine from year to year the conditions of the 600,000 Mr. Gladstone.

holdings in Ireland-conditions which are settled with comparative ease when settled by private intercourse, but conditions the fixing of which beforehand by a public authority would be attended with ten-fold difficulty. Here I may be told that by the Bill in a certain case we refer the fixing of these conditions to a public authority. ["Hear, hear!"] I answer no; that is a mistake. There is no compulsory reference of the conditions of any holding in Ireland to any public authority. We have said to the landlord-"If you wish to escape from the provisions of the Bill with respect to evictions, you may of your own free will go before a public authority for that sole occasion and for no other." But that is a totally different matter, as the hon. Gentleman who cheered will admit, from a compulsory provision that all persons shall be carried before a public authority for the purpose of fixing the conditions of contract between landlord and How are these rents to be valued? What is the test? The prices of produce? Of what produce? Of one kind of produce or of all kinds? Can any man fix by law any system upon which it will be possible to adjust rents by calculations founded upon prices of agri- Commutation cultural produce of all kinds? Perhaps you will say-"What was done in the case of commutation of tithes?" I will tell you what was done. It was a very rough process, indeed, and it was a process to which the tithe commutators submitted, but to which, you may rely on it, no other powerful class in this country will ever again submit. Besides, the cases differ in this—the tithe of agistment was gone, the right of the tithe commutator only subsisted in produce of certain kinds, and therefore it was not very difficult to get at the prices of these kinds of produce. The landlord's interest is not restricted to wheat, barley, and oats, but extends to all the varied descriptions of produce. There are no records of the prices.

I defy you to keep records of the prices. They are sold in every possible way and under every possible circumstance. It is impossible to combine them together so as to found upon them a compensation which you can make the basis of these enormous and complicated arrangements. Again, how is the landlord's rent to vary? Is it to vary according to the prices of produce?—because that is the proposal that I have seen. It is impossible. in my opinion, to get the prices of produce so as to found the rent upon them by a public authority; and if you could get them it would be absolutely impossible to apply a standard according to the varying circumstances of each particular holding, and its capacity to produce this or that kind of produce. But what are we to say with regard to the quantity of produce? Supposing the quantity of produce is doubled, is the landlord to receive the same price for the increased quantity, or is he not? If he is to receive the same price for the increased quantity, where is the tenant's inducement to increase the But if the quantity is to remain the same, quantity? by what right do you cut off the whole of the landlord's interest in the prospective increase in the quantity of produce? The quantity of the produce may be increased by the enterprize of the tenant, or by other causes-by the cheap access of manures by railway—by improvements in machinery, and by many other things; and none of these advantages can you justify giving over bodily to the tenant, to the exclusion of the landlord, unless upon the assumption of that one principle which is involved in perpetuity of tenure—namely, that the paramount interest in the soil is to be transferred from the owner to the occupier, and that the owner of the soil is to become a tithe commutator only upon a larger scale. Sir, if I state these things, it is that I may provoke confutation. I disbelieve in the possibility; but, at the same time, I think Mr. Gladstone.

Transfer of Ownership.

that it would be well that the attention of those who have stated all along that the Irish people will be perfectly satisfied with continued occupancy, subject to a valued rent, should really consider what is the meaning and scope and extent of the terms in which they couch their demands. Sir, we have a social system established in this country under which two persons have a vital interest in the land. One of them is the landlord, who regards the estate as a whole, and who is very largely concerned in the development of its general prosperity; the other is the tenant, whose position it is desirable to simplify as much as possible, in order that he may be able to devote the whole of his resources and his capital, if he thinks fit, to the prosecution of his trade. But if you once adopt this principle to which I am referring, you cannot retain these two classes upon the land; the man who becomes a mere annuitant loses all general interest in its prosperity. They have now both of them abundant reason to be there. Under the system which is contemplated, one of them may have abundant reason to be there, but the other has not. We are called upon, therefore, to begin this rec- Fixity of tification of land tenures in Ireland with a plan which, if Tenure and Valuation it be good at all, is good not for Ireland only, but for of Rents the whole of the Three Kingdoms, and which certainly the Three amounts—I do not wish to describe it in language of Kingdoms. excessive strength—to, perhaps, a peaceful, but yet a very searching and complete social revolution. I own that I do not myself see any advantage in our rejecting the plan of Mr. Mill, which told out plainly and distinctly and at once the whole of its purposes and results, and amounted, in so many words, to an expropriation of the Compensation proprietors, with full compensation. I do not see any to Expropriated advantage in our rejecting that plan if we are to adopt Landlords. some other, which, although couched in other language, and, perhaps, contemplating certain stages in the process

applicable to

3 Hans., excix. 1852. with something like an agony of procrastination, is, notwithstanding, certainly and inevitably to end in the same conclusion. . . . The oppression of a majority is detestable and odious—the oppression of a minority is only by one degree less detestable and less odious. The face of justice is like the face of the god Janus. It is like the face of those lions, the work of Landseer, which keep watch and ward around the record of our country's greatness. She presents one tranquil and majestic countenance towards every point of the compass and every quarter of the globe. That rare, that noble, that imperial virtue has this above all other qualities, that she is no respecter of persons, and she will not take advantage of a favourable moment to oppress the wealthy for the sake of flattering the poor, any more than she will condescend to oppress the poor for the sake of pampering the luxuries of the rich.

3 Hans., cc. 765.

Ulster Custom.
3 Hans.,
cc. 768.

Extension of Ulster Custom.

Without entering into its specific varieties, the essential distinction of the Ulster custom was this-that it rested on the consent of the landlord, and was so established by practice and tradition that they were entitled to assume it to be part of the covenant under which the tenant took his holding. . . . It was a very serious matter to carry the Ulster custom beyond Ulster. He did not give an adverse judgment in this matter; but he said distinctly that it was a question that deserved most serious consideration. They had in Ulster a state of things that existed nowhere else-could the hon. Member show him a county or a large part of a county throughout the whole of which it was a matter of honourable obligation on the part of the landlord to recognize the Ulster custom? No one had gone nearer to constituting an Ulster custom than the Earl of Portsmouth. He had gone to the extreme Mr. Gladstone.

of liberality and equity towards his tenants, and he (Mr. Gladstone) believed another gentleman had followed his These two gentlemen, by their own individual acts of liberality, not constrained by any prevailing opinion or custom or tradition, had said to their tenants-" You shall dispose of your interests when you quit your holdings; you shall do it not only when you are tenants from year to year, but at the end of your lease." But it was not a conclusion to which they should jump in a moment that upon the Earl of Portsmouth, who had acted with this personal liberality, there ought to be saddled this legal obligation in precisely the same way as if he took the estate subject to a traditional bond he could not shake off. He did not wish to press his opinion on this point; but he said there ought to be a separate consideration of this point. Let them have distinctly set out in evidence the prevalence of customs equivalent to the Ulster custom out of Ulster, and where it existed. Where there was a custom equivalent to the Ulster custom, and where there was the consent of the landlord to the custom-not the mere act of his own liberality, but settled by the fixed tradition of the district-let them give to the man out of Ulster every advantage he could have in Ulster. These he thought were fair terms. It would be most exceptionable to adopt the Amendment of his hon. Friend; for, not satisfied with providing prematurely for cases analogous to the Ulster custom, he took up a great armful of those usages-more than anyone could carry-relating to the transmission of a holding by a tenant, and proposed to give them all the force of law.

> 3 Hans., cc. 1023.

If the right hon. Gentleman really asked why the tenants Extension of generally over the rest of Ireland were not to have the bene-

fit of the Ulster custom, the answer was because they had never paid the sums of money, nor inherited or acquired the interest on which the recognition of the Ulster custom was founded.

3 Hans., cc. 1065.

Compensation for Disturbance.

. . . A claim under the Ulster custom would be independent of disturbance by the landlord; but no tenant could claim under this clause until after an act of disturbance.

3 Hans., ec. 1069.

Disturbance.

. . . His chief objection to the Amendment before the Committee was that the definition which it professed to give was no definition at all, but was simply an omission of the word disturbance and the putting of other words in its place. With regard to the word "disturbance," it would be far from desirable to part with it. It was a cardinal word in the Bill, it was repeated in different places, and so far from being a word unknown to the law, it was a word perfectly well known to the law. He had before him a legal text-book in which it was said an action would lie for disturbance in the enjoyment of that in which a man had a right or interest—precisely the sense in which it was applied in this Bill.

3 Hans., ce. 1252.

Compensation for Disturb-

of computation of the compensation which is to be made to the tenant in the event of causeless or arbitrary eviction by the landlord. That I believe to be the strict and absolute definition of the whole matter at issue to-night. We are not now discussing the scale of the compensation to be given. We may raise it to ten years' rental, as has been suggested by an hon. Friend of mine on this side of the House (Mr. Synan), or, following the advice of a right hon. Gentleman opposite (Mr. Disraeli), reduce it to five or any other figure, in perfect consistency with the view

Mr. Gladstone.

which the Government will press upon the Committee tonight. I will only say, with respect to the scale, that the extreme complication of the subjects with which I had to deal in introducing the Bill caused me to dwell much more briefly than perhaps I ought to have done on many points in the statement which I then made.

That proposal, as has been stated to the Com- 3 Hans., mittee by my right hon. Friend the Chancellor of the cc. 1253 Exchequer, is one which appears to us entirely unexceptionable. It says, that if it be desired to get rid of damages for eviction, the landlord may give his tenant the power of disposing of his interest; and, if the Court is satisfied that that offer meets the circumstances of the case, it shall stand in lieu of damages for eviction.

. . . There is a very great difficulty in making the 3 Hans., Bill a temporary Bill, upon a ground which every Mem- cc. 1255. ber conversant with its provisions will at once appreciate namely, the longevity (if I may use the word) of many of the interests which will be created under it. What we Freedom of believe is, that if the time ever comes—and I trust it may Contract. come—when it will be possible and desirable for Ireland to work its way out of many of the peculiarities which we are compelled to ask Parliament to enact in its present circumstances, the best way of doing that will be by the reintroduction of the principle of free contract; because, whatever complications may arise from a system which we look upon as artificial, freedom of contract between the parties will be the simplest, the best, and even the quickest way of disposing of them, when once you have restored those parties to a position in which they can meet upon equal terms. What we should propose is this-undoubtedly not that this provision as to free contract shall last for a certain number of years and then terminate, because that would be a very hasty and precipitate mode of proceeding.

3 Hans., cc. 1256.

Compensation for Disturbance.

. . . One of the grand provisions of the Bill was the confirmation of Irish customs. Another grand provision was the assertion of the principle that improvements made by the tenant were the property of the tenant. And a third principle of the Bill, which was by far the most prominent in the lengthened statement it was my duty to inflict upon the House, was that damages for evictions were to be paid to the tenant. It is against that principle outright that the right hon. Gentleman has moved his Amendment. He has not asked the question where we give too much or too little damages; it is against the whole principle of damages for eviction that the right hon. Gentleman has directed this Amendment. What is a Bill for the settlement of the Irish land question divested of provisions for the payment of damages on eviction?

3 Hans., ec. 1258.

. . . We contend that the Irish occupier, when causelessly evicted by his landlord, is entitled to requital for his loss. Gentlemen opposite cannot understand what the loss of the occupier is. The loss of the Irish tenant is the loss of livelihood. If you want an explanation of the evil inflicted on the Irish tenant-if you want to know the hardship of the Irish tenant's case when evicted causelessly, I refer you to the explanation I heard from the lips of the hon. Gentleman the junior Member for Carlow County (Mr. Kavanagh), given in his first speech upon this Bill, when he said—"The choice of the evicted tenant is America or the poorhouse." These are the circumstances, dreadfully and emphatically described, under which we contend that the causeless eviction of the Irish tenant usually means ruin, and that in respect of that ruin he ought to receive damages.

3 Hans., cc. 1259. . . . Our conviction is that causeless eviction ought to be laden with a charge which will operate as a bar and as a powerful deterrent against a landlord before he resorts

Mr. Gladstone.

to it, and before he uses the threat of it, for it is by the threat and by the anticipation of eviction that the greater part of the mischief is done.

. . . I hope it will be admitted on all sides that we 3 Hans.. have not been indistinct in the declaration of our inten- cc. 1262. tion to offer a firm resistance to all attempts to introduce Joint property principles into the Bill which would go to make the power of the landlord over his property, or the receipts he derived from it, subject to the indefinite claims of a separate and rival interest.

. . . We, who think that a reasonable Bill on the subject 3 Hans., of the Irish land laws may attain its object, are justified in cc. 1263. hoping and expecting, if we meet the reasonable demands Effect of Bill. of the Irish people, that their aspirations will fall down to the level and standard of justice, and that the establishment of good laws will produce that sense of security on the part of tenants and that disposition to invest capital in land which will make the land in Ireland not merely worth twenty or twenty-five years' purchase, but will raise it altogether to, or very nearly to, the value of land in England or Scotland.

. . . Now, Sir, I wish the Committee to understand that 3 Hans... we have never supposed that such leases ought to be over- cc. 1437. looked. Our view upon this subject has been this-that Compensation Parliament should fix in the Bill what I may call the for Disturbance after long unit of stability—that is to say, the duration of leases enjoyment. which in the view of Parliament will give the tenures of Ireland the requisite stability, and which may be regarded as being a fair balance against our scale of damages for eviction. But we never supposed or desired that a less Equities degree of stability than the unit of stability should go for Clause. nothing, and we have always anticipated that under the Equity Clauses the man who gives a 14 or a 10 years'

lease, although he will not be thereby exempted from his responsibility under the Damages Clauses, will be able to claim that the Judge shall take the fact of his having granted such a lease into account, and that the latter shall award very different damages for loss for eviction from those which he would have awarded in the case of the tenancy having been one merely from year to year. What we shall propose upon this subject is to insert words—the precise technical form of which I do not pretend to give -to this effect, that the Judge under the Equity Clauses shall be at liberty to consider the nature and the duration of the lease or contract under which the tenant has held. Therefore, in awarding the amount of damages due to the latter for the loss of his holding, the Judge will take into consideration the character of the lease or contract, which is better than a tenure from year to year, but which is worse than what I have called the unit of stability.

3 Hans., cc. 1443.

Compensation for Disturbance.

. . . Now, without saying that this is all gospel, yet I believe that in that passage there are indicated propositions of fundamental importance with regard to the just settlement of this question, and the result is, that whereas at the upper part of the scale, where the mere loss from eviction diminishes, it is separate and separable from the value of the improvements; yet as you go down to the bottom of the scale a great part of the loss from eviction is found to consist in the loss of the use of what he has erected on his holding, and which are real improvements for his purposes, though they are not of a kind which he would be able to go into a court of law to substantiate as improvements against the landlord. If that is so, that is a difficulty we have been under in constituting this scale, and that will explain two things-first, why we made the compensation so much larger at the bottom of the scale; and, secondly, why, in altering the scale, and reducing very considerably the compensation at the upper end of it,

Mr. Gladstone.

we did not alter it also at the lower end. That reason will, I hope, be an answer to my hon, and learned Friend the Member for Richmond, whose question I fully admit to be a pertinent and weighty one. "First," he said, "you proposed that this scale of seven years should cover improvements and loss; you now propose that it should cover improvements alone." My answer to him is that, as regards that portion of the scale, we did not alter it because we believed that the practical change would be small; and I hope that answer will be sufficient to show the good faith of the Government, and that we were not intending to convict ourselves out of our own mouths by making a great and fundamental change in a leading provision of the Bill-not, indeed, unawares, but certainly without calling to such a change that degree of attention which it ought to receive. It is not quite fair to say, as has been said, that the new scale has increased the number of years, because that is not a proper representation of the case; but, as between the old scale and the new, the state of the case is this-There are seven stages in the new scale, and in one of them the number of years was increased, in two of them the number of years was left the same, and in four the number of years was diminished. Those four were the stages from £30 upwards; the stages from £20 to £30 remain as they were; and the stage from £10 to £20 is increased by one year. Now it is with that part of the scale which is under £30 that we feel dissatisfaction has been excited among those who were disposed to give a general support to the Bill as it was first introduced, and the Government are quite prepared to admit that there is no occasion for making a serious alteration in the scale as it was originally proposed in favour of the tenant if we make it real, if we take care it is not evaded—if we take care to depart so far from our British ideas as to make it an Irish Bill, and to see that what we propose to give to

the tenants by one clause is not taken away from them by doors opened in another. We are satisfied, then, that, substantially, the scale as it stood is not unfair with regard to the lower portion of the tenants, and that the object of separating improvements will best be effected by giving the tenant an option, because we admit that there are cases, even of small tenements, in which it may be desirable to separate improvements from loss. Mr. Campbell says, and says very truly, that—

"In many cases in the North, and in some cases in the South, good and merchantable improvements have been made, and substantial improvements have been made, even with small holdings."

For the sake of those cases it is desirable to effect a separation; but for the sake of the Irish tenant in general in the small holdings, what is really essential is to take care that we do not deprive him of that fair consideration for those elements of loss which consist in the loss of the apparatus, imperfect as it is, of his farm, under the name of giving him a compensation for all his improvements. Well, Sir, having got so far as this, I may be permitted to point out that this is not a new idea on the part of the Government, and to quote a single sentence from my own speech on the second reading. I admitted that the debate on that occasion had shown that we must attempt more in the way of separation of improvements from losses than the original scale gave, and I did not hesitate to say that as regards the higher tenants, the improving ones, the original scale would have been very unjust, because it would not have offered them a proportionate compensation for improvements. I said I thought the scale from £30 upwards would well and fairly bear criticism if there was to be a scale at all; but I felt the difficulty as regards the lower portion of the scale, and in regard to the association of damages for eviction and payment for improvements, I said this-

Mr. Gladstone.

"We were governed in attempting that association by the belief that, as regards the smaller class of tenements, there was much of the produce of the labour of the occupier which might very fairly be considered improvement in relation to his claim for compensation, and yet which it might be difficult to sustain upon the separate ground of improvement as plea before an arbitrator or a Judge. We shall, perhaps, make an endeavour, without in any degree foregoing our object, to effect a more distinct severance between the two elements of payment for improvements and compensation for loss inflicted by eviction."—3 Hansard, excix. 1830–31.

Well, Sir, what we now propose is expressed and conveyed by the proviso which my right hon. Friend the Chief Secretary for Ireland has placed upon the Paper. I am not quite sure whether all the Members of the Committee will at once perceive what will be the operation of that proviso; but I can quite distinctly state to them its intention, and I believe the words are such as will carry that intention into effect in an unimpeachable manner. That proviso is not at all intended to touch the scale above £30 proposed by my right hon. Friend in his Amendment, for we are all satisfied with that scale, and the complete separation that it effects between compensation for improvements and damages for loss; but that proviso touches the scale below £30, and in this way: the law will say to each man who has a holding under £30--" You have a choice before you upon eviction; you may either take the scale originally proposed (that which now stands in the Bill-namely, seven years and five years) with an ulterior claim for permanent buildings and reclamation of land; or if you belong to that narrower class of small tenantry which has made valuable general improvements in the way of drainage, fencing, gates, and soforth, then we give

you an option, and you may certainly claim for improvements of that nature, but in that case you must submit to a reduction in the number of years"; and the reduction would be from seven years to five, and from five years to four. I hope the Committee now well understand what will be the position of tenants. A tenant under £10 will be able to ask for the maximum of seven years, provided he can prove that his loss amounts to it, together with a claim for the reclamation of land and for permanent buildings; or, if he thinks it will be more to his interest to do so, he will be able to demand that all those improvements shall be valued, in which case he must limit his claim to five years. The same event will happen in cases between £10 and £30, excepting that in those cases five years will be the claim for compensation; but four years will be the maximum claim for loss in union with a claim for the value of the whole of his improvements.

3 Hans., cc. 1478.

Limit of claim for compensation for disturbance. . . . With regard to that I not only admit, but feel there is a great deal to be said as to the holders of large farms; and there is a concession which we are ready to make not only ungrudgingly but willingly. The concession I allude to is absolutely limiting the sum for loss by eviction to £250 in all cases. That is an amendment which I regard as a decided improvement in the Bill; it does not draw any line as to class; it does not put any class out on account of the size of the farm; but it goes on the perfectly just principle, that as the farms ascend in value the loss descends till it comes to zero.

3 Hans., cci. 303.

Usufruct of Improvements.

He was disappointed at the prolongation of this discussion. As far as he understood the matter, there was really no conflicting principle between the Government and hon. Gentlemen opposite on this point. The principle for which the supporters of the Amendment were contending was, that the tenant should be repaid for his outlay

Mr. Gladstone.

in improvements by the usufruct of those improvements for a certain time. As to retrospective improvements, it was not proposed by this clause to give the tenant the full value of those improvements, whatever they might The words beginning at line 25 clearly provided that, in reduction of the tenant's claim, the Court was to take into consideration the time during which he had enjoyed the advantage of those improvements, the rent which he had paid, and any benefits derived by him expressly or impliedly from the landlord, in consideration of such improvements. Reclamation of land would also be included within the scope of these words. The Court would take all the circumstances into consideration, and only award such compensation to the tenant as was reasonable. As there was no real difference of opinion on the subject of this provision, he hoped hon. Members would not feel it necessary to discuss it at length.

It was quite true he had stated that, in his opinion, it 3 Hans., would be impossible for the Court, in judging a claim for compensation for damages on eviction, not to take into Compensation for Disturbaccount the length of the term for which the land had been ance after held. Suppose a tenant were evicted at the end of a 14 ment. years' lease, he should say that the Court would not give the same damages as to a tenant from year to year.

long enjoy-

... Already the Bill was sufficiently laden with matter, 3 Hans., besides which the Amendment was inappropriate on account of the difficulty of arranging it so as to correspond with Compensation for Disturbthe essential point of the Bill-namely, that relating to ance. damages for eviction.

. . . I am irreconcilably opposed to granting fixity of 3 Hans., tenure; but I must say, if it is to be granted at all, it ought to be granted in reality and not in appearance only. . . .

3 Hans. cci. 1026.

Fixity of Tenure. Valuation of Rents.

Is the position in which my hon. Friend proposes we should place the landlord a fair one, either as regards the landlord class or the individual landlord? Now, let us see what our plan is—the plan in what was the Bill of the Government and what may now be called the Bill of the Committee. In framing this Bill, we were fully aware that it was not a plan which would create a great amount of hilarity in Ireland. Had our object been merely to solicit favour for the hour we should have adopted, no doubt, some plan of absolute tenant-right, of valuation of rents, and in one form or other, of perpetuity of tenure; but on looking carefully through those plans, we thought they were fraught with danger, we thought they involved mischief to every class concerned in the ultimate working of a Land Bill, and, therefore, we founded our Bill on other bases. We resolved to recognize the right of the tenant to improvements made by him, and to sanction custom where established. With the view of checking arbitrary evictions, we framed provisions which impose a payment in the nature of a fine for such evictions. in doing this we carefully put aside everything that promised, or seemed to promise, fixity of tenure, and everything in the way of what may be described as valuation of rents. It is said by my hon. Friend the Member for Kilkenny that valuation of rents is in the Bill. I do not deny that, under the Ulster custom, the claims of the landlord and the claims of the tenant may to a certain extent come into conflict. Though there is no valuation of rents, that collision may be said in certain cases to exist. But the Ulster custom is no creation of ours; we Ulster Custom. only ask Parliament to give its sanction to that which is a custom; and in the most rigid language we prevent the Ulster custom being adopted in other parts of Ireland, unless it is in all respects the Ulster custom. In other words, we have been careful not to allow currency to what

Extension of

Mr. Gladstone.

may be called a spurious Ulster custom; but outside that custom, what is said about valuation of rents? Future rent is not fixed by the Bill. It is not brought under the cognizance of any authority. A positive charge, limited Valuation of in its character, is a totally different thing from a valua-Rents. tion of rents. Except in a single retrospective provision, there is nothing to fix the amount of rent which the landlord shall charge the tenant. We shall leave the parties free as to the amount of rent; but in certain cases of eviction we say that the tenant shall be entitled to com- Compensation pensation in respect of the amount of rent. Everyone will for Disturbadmit that, whether it be right or wrong, this division is strictly limited. It is retrospective. Where contracts have been recklessly formed we have asked that eviction for non-payment of rent shall, if the Court think fit, be deemed a disturbance of the tenant. But that is not to enable the Court to see what rent shall be paid hereafter or what shall be paid now. It is merely a declaration that where an extravagant bargain has been made which the tenant is not able to fulfil, he shall not lose his claim to compensation on being turned out of his holding. My hon. Friend has taken and put together all those ideas most fascinating to the Irish mind, susceptible as it is on this land question; and when we consider what this land question is, we can account for the excitable temper of the Irish people being stirred, bewitched, and led away by the presentation of ideas as to fixity of tenure Fixity of and valuation of rents, which, like so many flowers of Tenure and Valuation of fragrant scent and brilliant hues, he has gathered and Rents. bound together. If Parliament sanctions what he proposes, he would present them to the Irish tenant, and say-"Valuation of rents and perpetuity of tenure have received the sanction of Parliament, and there is nothing wanted to prevent you from enjoying them but the will of that individual man, your landlord." If we believed that

Compensation to Landlords.

3 Hans., cci. 1029.

Operation of Bill.

the provisions which my hon. Friend proposes would be beneficial to the country, it would be our duty to give them compulsory force by legislative enactments, and to consider from what sources we ought to provide compensation to the landlord for the deprivation of rights which he now enjoys. We do not believe that the adoption of my hon. Friend's proposition would be for the advantage of the Irish tenant; and I do not think my hon. Friend will be surprised that, feeling it to be our duty to conduct this measure through the House in a spirit of perfect impartiality towards every class, we are unable to accede to a proposition which would place such a strain on one class, and not only on one class, but on every member of that The Government has, at every stage of the Bill, endeavoured to place this one feature full in the notice of the House-namely, that the Bill has been studiously framed in the spirit described by my hon. Friend the Member for Cavan (Mr. Saunderson), who said, as an Irish landlord, he hoped that, upon the passing of the Bill, it would not be his duty to take any step whatever. The object of the Government has been so to frame the Bill that it shall not entail upon any landlord or any occupier the necessity of taking any positive step whatever—that it shall descend upon Ireland as a vessel well launched descends into the sea, without shock or perturbation of any kind, and only find its existence in increased confidence, goodwill, industry, and outlay, and in greater cheerfulness and activity in daily operations, and not by its occasioning the resorting to formal proceedings for the inauguration of the new state of things.

3 Hans., cci. 1610. Popular Demands. I wish, however, to state that in framing this measure we deliberately and advisedly declined to meet the popular demands in Ireland. There can be no question at all as to what those demands were. There were demands widely Mr. Gladstone.

spread that the Ulster custom should be recognized as the universal land law of Ireland. To that demand we declined to accede, and we have refused to admit into the Bill the recognition of any custom out of Ulster as the Ulster custom, unless we found it to possess in the most stringent way all the characteristics of that custom. Another demand which went through the whole of Ireland was one for the valuation of rents and for fixity of tenure, and there are those who say that valuation of rents is involved in the Bill as it stands. Now, that is true where the Ulster custom prevails up to a certain point; but that case does not stand on the ground of conventional legislation, but on the recognition of rights already in existence. I contend that the principle of the 3rd clause, establishing Compensation damages for eviction, is entirely different from the prin- for Disturbciple of the valuation of rents. It places a burden, I admit, on the landlord who evicts without a cause; but that burden is limited and cannot go beyond a certain point. A valuation of rents would fix the absolute amount Valuation of of rent that should be paid; the amount under the Bill is Rents. left wholly free, and the fine or burden that may be levied on the landlord is confined within the limit of a certain maximum. It is, notwithstanding, well known in Ireland, and the speech of the hon. Member for Kilkenny county (Sir John Gray) is a sufficient proof of it—that we declined to found our Bill on the principle of the valuation of rents. We, therefore, advisedly declined to accede to those popular demands. We have declined to accede to them, and having brought in a Bill founded upon a distinct and much more limited basis, we have presented it to the House after an amount of labour on our own part such as in the course of a long political life I have never known bestowed on the preparation of a Bill; and I must add, entirely agreeing in the main upon this point with the right hon. Gentleman, that the House

of Commons, which has spent twenty-two or twenty-three nights in the discussion of the Bill, has bestowed on it an amount of care, attention, and time for which there are but few precedents; but this, so far from being matter of

reproach, was amply warranted and even demanded by the gravity, magnitude, and intricacy of the case, and we are thankful to the House for the assistance we have received. . . I would also ask the House to consider whether we have not framed a measure of which we can fairly allege that when it comes into operation it will do so without shock to any interest in Ireland. I know of nothing that it would be incumbent upon any man, be he landlord or tenant, to do under the clauses of this Bill—I mean in the way of exercising legal powers—after it becomes law. What I hope will be is this—that the tenant will prosecute his industry with a greater sense of confidence; that the landlord will find the benefit of that increased industry in the augmented value of his property,

and that the labourer, for whom it seems to be supposed that we ought to have invented some nostrum, will receive some advantage in the only important way in which it is possible for Parliament to confer it—in the greater demand for what he has to sell, the strength that lies in the muscles of his arm. That gentle mode of operation which we have tried to secure is, I believe, likely to characterize the action of this Bill when it becomes law, and to it I

trust the words of Dryden on another subject may be ap-

plicable-

"The flood of mercy that o'erflowed our isle, Calm in the rise, and fruitful as the Nile."

It is by that imperceptible action on the community of Ireland that we hope this Bill, when it becomes law, will be characterized, and not by sudden and violent change, least of all by producing any results which might tend to aggravate animosity or to create mistrust between class Mr. Gladstone.

Operation of

and class. . . . We have every reason, therefore, to hope that those in whom the mass of the Irish occupiers have been accustomed to repose their confidence, whether persons sitting in this House or others-in short, all classes resident in Ireland-will give to the State their best assistance in carrying this Bill, should it become law, into happy operation, and in making it the means of restoring that confidence in the law, and the public authority, the want of which is the greatest of all Irish difficulties and at the bottom of all Irish mischiefs. . . . course, we may have erred in our attempts to realize that just moderation of view which lies between violence, on the one hand, and feebleness on the other; but we have not erred from want of upright intention or of studied labour. The aid we have received from the House, bestowed with such unexampled care and patience, and with so much intelligence, knowledge, and ability, has, I confidently think-setting aside those minor touches which in every work of art, law, or industry, may always be applied with advantage to bring such works to perfection-brought this measure to a state in which, if it be allowed to take its place in the statute book, it will redound to the honour of Parliament and the benefit and security of the Empire.

## THE MARQUESS OF HARTINGTON.

3 Hans., cci. 21.

We have certainly given a very considerable amount of BILL, 1870. security to tenants from year to year against capricious, Compensation causeless, and unnecessary eviction; for in case of such for disturbeviction a tenant from year to year will be entitled, under ance. certain circumstances, to no smaller a compansation than seven times the amount of his rent.

. . . What was the state of things that had arisen? A 3 Hans., class of tenants had been allowed to grow up who were so small and dependent, that the most ordinary rights of the LAND TENURE (IRELAND) landlord could not be exercised without inflicting upon BILL, 1876. them the most cruel hardships, and depriving them of the means of existence. Another circumstance was that, owing to the dependent position of that class, customs which in England and Scotland had obtained legal force and validity had not obtained legal sanction in Ireland.

Under these circumstances, what did the Land Act do? It improved the position of the tenants in any legal proceedings that might be taken against them. It gave the sanction of the law to everything in the shape of custom, and gave the tenant the presumption of the law in claiming compensation for any improvements he might have made. It further gave to the tenant many advantages; and in the event of the landlord proceeding to evict him, it imposed a heavy pecuniary fine upon the exercise of that right, and prevented the tenant from being turned upon the world altogether penniless in the event of the loss of his holding.

Capricious Evictions.

Security of Tenure.

The House had been told that, in these respects, the intention of the framers of the Land Act had failed: but no sufficient proof of the accuracy of that statement had been given. The figures quoted by his Right Hon, and learned friend as to the working of the Land Act, and the number of actual evictions that had been made, conclusively showed that there was no reason to suppose there had been any policy of confiscation of the property either of the tenants or of the landlords. He would recommend that all doubt might be put an end to by further Returns from the Judicial Statistics; because valuable as those Returns might be, they did not, as had been pointed out, contain a sufficiently clear and distinct account of the causes tried under the Land Act, and did not give a return of those which were properly landlords' evictions and those due to other causes. What were the objects Joint property proposed to be attained by this Bill? He did not think in the soil. the actual occupiers were entitled to any historical consideration at the hands of the House. He had no doubt the hon, and learned Member who introduced this Bill was actuated by considerations, not of restoring such rights to the present occupiers, but of conferring some public advantages on the agricultural community. He no doubt thought that, by conferring security upon the tenants, they would be induced to invest their capital and industry in the soil, and that thereby the produce of the soil would be increased, and the political contentment of the country in every way promoted. With regard to that point, he should like to know whether it was the fact that the tenant did not possess, to a very great extent, security of tenure at the present moment?

Was it not the fact that, in ninety-nine cases out of one hundred, the tenants who gave their landlords proof that they were either prepared to apply capital to the soil or their own industry to their holding, were able to obtain

The Marquess of Hartington.

from their landlords almost any security they might require? Was it not a fact that a tenant who could give his landlord proof of his good disposition would easily obtain a lease? He believed landlords were not so indifferent to their own interests as to lose the opportunity of receiving good tenants.

Further, it had not been proved that, in the case of landlords who were less intelligent and less alive to their own real interests, the legislation of 1870 had not given practical and sufficient security to tenants for their holdings. One provision in the Bill had not been much dwelt upon, and that was the 39th clause, as to which he hoped he should not now be told that it was not an essential part of the Bill, and could be got rid of in Committee. It provided that farms of sixty acres might be subdivided. Subdivision. He knew there was, in the previous part of the Bill, a provision against the subdivision of smaller holdings, but it had been pointed out that it was slight and illusory; for when you had deprived a landlord of the power of ejectment, it became extremely difficult to say what control he could have over his estate. The words of the Bill provided against the subdivision of smaller holdings; but the 39th clause positively invited the tenants of larger holdings to sub-divide their farms where the result would be a valuation of not less than £30. A calculation had been made showing, that between 8,000,000 and 9,000,000 acres of land would come under the operation of this clause, and might, at the will of the present occupier, be subdivided.

The effect would be to establish that which had been one of the worst curses of Ireland, a system of middlemen, to which Judge Longfield attributed much of the country's misfortune.

He could not conceive that Parliament could do anything more likely to effecually bring back that system

Competition for Land.

than by the proposal contained in that clause. He did not deny that there was a gradual and steady progress going on in Ireland in the increase of rents, and that by legislation they could give temporary protection to the present holders, against the competition that was going on for the occupation of land. They had been informed that the competition for the occupation of land in Ireland was as keen and sharp as ever it was, and he did not snppose it was desired to prevent changes in occupation. It had been urged as a great evil in this country, and in Ireland that there was so much difficulty in the transfer of land from one owner to another, and he did not suppose it would be considered a less evil to make the transfer of occupation impossible. He did not suppose it was desired to prevent the transfer under proper circumstances, of the occupation of land. If that was were so, and if it was admitted that there was a keen competition for land, could legislation prevent land rising in value, either in the form of rent or payment for good will? Could any legislation prevent a man who desired to occupy land from paying money for the occupation of it, and going into occupation for that money? The effect of the Bill in regard to rents would simply be, that where there was competition, if the landlord chose to strain his rights to the utmost, the whole value of the increase in price would go into the pocket of the landlord; whereas at present it went partly into that of the tenant in the form of payment for good will. By the legislation now proposed, the whole of the additional price to be obtained by competition for land would go, not into the pocket of the landlord, but into that of the existing occupier. He was unable to see how the Agricultural Community in Ireland could benefit by such legislation either now or in future. On the contrary, it would probably do much to unsettle the prosperous state of things which was addmitted on all hands

The Marquess of Hartington.

to exist at the present moment. He regretted, for various reasons, that the present measure had been brought forward. He believed, with others who had spoken, that it had no prospect of obtaining a second reading in that House, and he was much inclined to agree with the hon. Member for Roscommon (The O'Conor Don), that it would not have a much better chance of passing in an Irish Parliament; but, at the same time, it was to be regretted that such proposals had been brought forward, whether they were likely to become law or not, because they were likely to be believed in by farmers in Ireland, since their effect would be to place sums of money, not belonging to them, in the pockets of the farmers without any exertion on their part. When such prospects were held out to them, was it likely that they would devote themselves with steadiness, energy, and industry to legitimate means of improving their holdings?

Reference had been made to certain clauses in the Land Act. He believed they would all have been glad to see the ownership of land distributed among a larger number of persons in Ireland; but was it not probable that one of the reasons for the comparative non-success of the clauses, known by the name of his Right Hon. Friend the Member for Birmingham, was the hope held out to tenants that they would be brought into practical possession of their holdings without payment? Objectionable as the Bill was, however, he was glad it had received an ample discussion. He believed the time thus occupied would not be lost, but that the strong expression of opinion which had been heard not only from English but from Irish Members against the Bill would not be without a salutary effect in Ireland.

3 Hans., ecxxxiv. 97.

Question. Resolution.

Whatever opinion might be entertained as to the propriety of the proposed inquiry, he could not give a The Irish Land vote which would have the effect of submitting the proposition of the Member for Tralee (The O'Donoghue) as a substantive motion to the consideration of the House.

Valuation of Rents.

That motion meant, in his opinion, valued rents or it meant nothing at all; and a principle which involved valued rents appeared to him to conflict altogether with the freedom of contract. He knew that it might be said that the Act itself conflicted—and no doubt it did, in certain particulars—with freedom of contract; but it only did so in the way of imposing certain restrictions upon that freedom in order to meet evils which had grown up out of an exceptional state of things. The Land Act was not intended to upset the ordinary relations between Landlord and Tenant; but no doubt hard cases occasionally arose in connection with its operation. He was not convinced, however, by anything he had heard that evening that the prosperity of Ireland would be advanced or improved by the adoption of an altogether new and untried system, instead of that which had been found to work, on the whole, in a satisfactory way. The proposal of an inquiry, however, contained in the Amendment of which notice had been given by the Hon. Member for Kerry (Mr. Herbert), appeared to find a considerable amount of favour among the representatives of the Land-Land Commis-lord class. He, however, could be no party to the appointment of a Committee or Commission which would be of a "fishing" character, and which would go over Ireland to seek for charges against landlords which could not otherwise be found. Neither did he think it would be a sufficient ground for the appointment of a Commission, that certain landlords felt themselves aggrieved by allegations which had been made against them, and which they might feel to be without founda-The Marquess of Hartington.

sion.

But, on the other hand, it might be remembered that the Act which was passed in 1870, was to a certain extent a new settlement of the land question in Ireland. It was founded in some measure upon experience; but it was also founded a good deal upon theory, and a good deal upon principles which had never before been tried. It would not be reasonable to suppose that such an Act would immediately work in a manner which would be perfectly smooth, and the time might shortly come—if it had not already come—when an inquiry into the operation of the Act might possibly be attended with advantage.

He should be averse to an inquiry, if it were supposed Fixity of by the people of Ireland that it was intended to be a Tenure. prelude to legislation on new principles, for the purpose of Rents. establishing fixity of tenure and the valuation of rents; but an inquiry into the operation of the Act, with a view of seeing how far its objects had been obtained, and whether in its details it was not capable of amendment, might be desirable. Without pledging himself to say that the present was the proper time for such an inquiry, he should be sorry to see the wishes of landlords and others who desired inquiry altogether neglected. As the two proposals came as an Amendment to the Motion that the Speaker do leave the chair, and as it would be impossible to say who among those who voted against that motion voted for the one or the other of the amendments, it would be necessary for him to vote for the motion that the Speaker do leave the chair.

## EARL GRANVILLE.

IRISH LAND BILL, 1870.

They might, indeed, have done that which they 3 Hans., were determined not to do-namely, have introduced a Bill ceii. 10. adopting fixity of tenure, taking away his property from Fixity of the landlord, and establishing a valuation rent. They Valuation of might thereby have excited in Ireland—at all events, for Rents. the moment—an enthusiasm which would have made reasonable legislation impossible. They might, too, have presented a small, limited, and feeble Bill, which, so far from settling the question, would most assuredly have excited a feeling of indignation and injustice which it would have been difficult to appease. It may be invidious to pay a compliment to my own Colleagues; but, having been a Member of several Administrations, I may venture to say that on no measure whatever have I ever seen the same amount of time and labour expended as on this. I speak of the labour not only of the Irish Government or of the Prime Minister, but of all the Cabinet, individually and collectively, in framing the Bill, and in trying to solve the problem of making it fair to the tenant without being unjust to the landlord.

Your Lordships will see that, in trying to deal with 3 Hans., the evil, we have not proceeded on any ambitious theory, or tried to strike out any new plan; but, recognizing the evil, we have tried to remedy it with as little disturbance, and as little change, as possible. We have tried to find

examples and precedents in Ireland itself which may serve as an antidote to the evil which we lament; and I think we have found them, first, in the customs which undoubtedly exist there, and, secondly, in the practice of good landlords, who, I am happy to say, are numerous in different parts of the island. . . .

Earl Granville.

# MR. CHICHESTER FORTESCUE.

IRISH LAND BILL, 1870.

3 Hans ... excix. 1439.

Ulster Custom.

. . But then we are asked—"Why not extend this Ulster custom to the rest of Ireland?" Now, Sir, that is a Extension of question which provokes a good many questions in return. I do not deny that it is one open to discussion; but it is full of difficulties and questionable points, two or three of which I should like to lay before the House. Can we, let me ask first of all, create or extend a custom? I do not think we can. We can legalise a custom—we can enforce it we can forbid it—but we cannot create it. Another thing, however, we can do-we can imitate it, and that is, I contend, what we have done, as far as was possible, in the case of the Ulster custom. I believe the strength and merits of this Bill lie mainly in the fact that it is not an artificial measure drawn by ingenious politicians or draftsmen, but that it is based on the best usages of the best Irish estates, of which usages Ulster presents us with the most perfect specimens. In other parts of Ireland we found usages not so fixed and definite, but analogous to the Ulster custom; and, above all, we found here and there throughout Ireland a practice prevailing on the best regulated estates, in accordance with which the landlord admits himself to be under a moral obligation not to change his tenant without strong reason, and when he does change him to compensate him for any value

which he may have added to his farm, and for the loss he may suffer by his dispossession and the breaking up of his continuous occupation. We have kept these facts in view in framing this Bill, and in the case of the rest of Ireland, as apart from Ulster, we provide that the Court shall legalize any similar custom it may find in existence. Beyond these customs we have come to the conclusion that the wholesome practices which prevail to some extent are not capable of being embodied absolutely and literally in an Act of Parliament. We also are of opinion that the Ulster custom is not capable of being slavishly copied without regard to the circumstances of other parts of Ireland. But we have based our measure on this analogy, and shaped it into an enactment in a form as near to the original as we think can wisely and successfully be accomplished. Still I am asked-Why not simply extend the Ulster custom? Let me point out two or three difficulties in the way of that course. First Ulster Custom. of all, in Ulster landlords and tenants are perfectly aware of the custom under which they hold and have virtually contracted. In the next place, they have arranged their rent in accordance with the custom; a most important consideration, because there is no more dangerous and gross-I was going to say no more insidious-violation of the custom than to raise the rent to such a point as seriously to impair the value of the tenant-right. That is a breach of faith which I am happy to believe, when this Bill passes, can seldom occur again, because the landlord will have to find a tenant to pay, or pay himself, a tenantright value, calculated at the former rent, or at such a rent as would not violate the custom; but it is a matter of vital importance when considering the Ulster system. In the next place, the Ulster tenants who possess those claims have actually paid sums of money for the enjoyment of their holdings upon entering into possession.

Payments by Ulster Tenants.

Mr. Chichester Fortescue.

What I wish to suggest for consideration is, whether it is possible, by the mere words of a statute and by the fiat of Parliament, to create such a custom as this? For instance, you can give a tenant, who has paid a large sum of money upon entering his holding, a similar claim upon leaving it; and we do this, wherever the case arises, all over Ireland. But can you give a tenant who has paid nothing upon entering his holding the same claim as you give to a tenant who has paid a large sum of money? Again, are hon. Members certain that it would be a boon to tenants Free Sale. in other parts of Ireland to tell them that they shall have what they can get for the saleable value of their holdings, and nothing more; -that they shall have no compensation for improvements, and no compensation for dispossession, but merely whatever they can get from some other tenant, for the saleable value of their holding?—always remembering that, in the case of a small Irish tenant, the man in occupation will consent to pay a higher rent than any new comer would do. Would that be a boon to small tenants in the South and West of Ireland? I greatly doubt it. In the rest of Ireland, beyond what may be called the customary districts, rents are sometimes very high in proportion to the capabilities of the tenant to pay, and sometimes they are very low. Are we to confer upon the tenant who lives under a good landlord, at an easy rent, the high value which he might obtain from the sale of his interest, and, at the same time, when a tenant farms at a rack-rent, and probably upon very bad land, in a large part of the South and West of Ireland, are we to give him nothing but the sale of the interest which he may have in the holding of that land, the value of which interest may be little or nothing? I cannot see my way to such a system as being a solution of the problem in the other Provinces of Ireland. The difficulty is this-In Ulster we have a system which is for the most part

sound; not that even in Ulster there are not many in-

equalities; and we have recently been furnished with evidence that there are in the Bill provisions which are in favour of other parts of Ireland, for resolutions have been recently passed in the Northern Province declaring that Ulster is badly treated in comparison; -but, at all events, in Ulster we have a system which, as I have said, is for the most part sound and fair, and which admits of being sanctioned and legalized; but elsewhere, in other parts of Ireland, if we attempt to introduce by the process of statute a mere literal and slavish copy of the Ulster custom the result would be one of the most doubtful character. We should give too much to one man, too little to another. We should press too hardly upon the good landlord, and far too lightly on the bad. We should introduce by statute a system, not based upon the value of the tenant's improvements, not based upon the payment which he may have made to a former tenant-of course, a most just and equitable claim—not based upon any virtual contract between landlord and tenant, and also not founded upon the deliberate sense and opinion of Parliament as to what should be the future legislation between the two parties, but simply based capriciously and unequally upon the state of circumstances which we found existing at the time when the Act was passed. I do not know whether I make myself understood by the House; but, having looked closely into this matter, I feel strongly that there are great doubts whether what is called vaguely the extension of the Ulster custom to the rest of Ireland would be fair either to landlords or tenants in that part of the country. The matter is worthy of discussion; but it is my duty to present to the House the difficulties which the Government have felt in framing this measure. These being our difficulties, we have not attempted to import into the rest of Ireland a literal and

Mr. Chichester Fortescue.

Extension of Ulster Custom. slavish copy of the Ulster tenant-right custom. But we have not disregarded that custom. On the contrary, we have had special regard to the best usages prevailing upon the best estates in Ulster as well as elsewhere. We have taken the elements of the Ulster custom, and translated them, so to speak, into a statutory form for the rest of the country. Whether that form is the best that can be devised is matter for discussion, though not at this stage of the Bill; but my duty is to tell the House what the object of the Government has been in proposing it. principle I now speak of is that of taking the three elements of the Ulster custom and of similar customs elsewhere-payment by the predecessor, improvements by the tenant himself, and compensation for dispossessionand keeping these carefully in view in framing the main clauses of the Bill. These are Clause 3 and several which Compensation follow. Clause 3 has been talked of lately as if there was for Disturbance. nothing else in the Bill; but that is a statement to which I demur, for there are several other clauses of the greatest possible importance to the Irish tenant. As to Clause 3, our object in framing it was that which I described just now. Sir, of course the Government might conceivably have made up its mind to deprive the Irish landlord of all power of dealing with his own land. It might have decided that he should never resume possession; it might have decided that he should never raise the rent. These propositions the Government advisedly rejected. But they have endeavoured sincerely, in this and other clauses of the Bill, to do that which has been attempted formerly, though I think less effectually and less boldly, by the foremost advocates of the Irish tenant—namely, to impose upon the Irish landlord such restrictions as shall virtually and substantially produce the result desired by the reasonable friends of the tenant, and shall, for practical purposes, and in the main, put an end to the

practice of unjust and arbitrary evictions. At all events—and this is a matter not to be forgotten—when the land-lord does use that power, rightly or wrongly, the Bill will greatly mitigate the hardship of the operation, because it will be scarcely possible that any Irish tenant shall leave his holding a beggar or without the means of starting afresh in the world.

3 Hans., excix. 1449.

Effect of Bill.

Speaking with a knowledge of the subject and with a deep sense of responsibility, nothing to my mind can exceed the importance of putting an end to that state of uncertainty and agitation which now mischievously and most dangerously affects the minds of the agrarian portion of the population of Ireland. I trust that their friends and representatives will not mistake their true interests, and will not unwittingly deceive them by asking on their behalf for anything that goes beyond the line of policy, justice, and possibility; but that, on the contrary, by a spirit of fairness and moderation, making up their minds to put an end to this intolerable state of uncertainty, they will enable Parliament to pass the Land Bill of 1870, and thereby to sign and seal with the Irish people a long, I hope a perpetual, lease of prosperity and concord.

3 Hans., cc. 1220.

Compensation for Disturbance.

3 Hans., cc. 1223. and above the question of improvements and separate and distinct from them there should be, at the discretion of a competent Court, a certain award given in consideration of the loss by the tenant of continuance of occupation; and I believe we have succeeded in making that plain to all but the two right hon. Gentlemen opposite. . . . Undoubtedly we have liberalized the clause in favour of the tenant—that is to say, we have secured two things—

Mr. Chichester Fortescue.

first, that no disturbed tenant shall lose any part of the value of his improvements by any arbitrary scale; and, secondly, by taking out of its provisions a certain class of improvements originally within it, we have left a larger discretion to the Court as to the loss of possession than it had before. . . . In authorizing the interference of 3 Hans., law, the Government have refrained from doing so further than was absolutely necessary, and they have postponed the period of interference till a dispute shall have actually arisen between the parties; the interference will then occur without destroying any rights of property, or taking away any fair rights of the landlord over his land, or any interest in it which he possesses. What the Bill imposes is a sufficient and salutary check on the use of a dangerous power, which often is exerted rightly and properly, but too often is used wrongly and inequitably.

Other nostrums—I will not call them nostrums, I 3 Hans., retract the word—other remedies have been proposed more cc. 1226. violent in their nature, but I do not admit them to be more effectual; and these remedies, after the fullest consideration, we have felt it our duty to reject. remedies are not confined to the phrases we have heard so much of-fixity of tenure, perpetuity of tenure, valua-Fixity of tion of rents, and soforth. Gentlemen of great weight Valuation of and authority, and with great powers of mind and since- Rents. rity, as I know, have put forward other plans, which we also felt bound to decline. There are politicians who conceive themselves to be far more moderate than the advocates of fixity of tenure whose proposals we have felt ourselves unable to adopt.

. . . He objects to the proposed form of the clause 3 Hans., because, somehow or other, it makes the principle of compensation for the loss of occupation more distinct and Compensation apparent than it was before. But we are not ashamed of for Disturbance. that principle: we have never concealed it, and we do not

wish to conceal it. We did include under the scale, along with the question of damages for eviction, the consideration of certain improvements, not the most important and prominent, which were always outside the scale, but minor improvements which were intended to be within it. Further consideration has shown us that the clause, as originally drawn, was in this particular a mistake; we have come to a very distinct conviction that a scale with a maximum was totally unfit to be applied to the question of the value of improvements, and we have preferred to treat that separately, and to leave the court to its discretion under the scale with respect to damages for loss of occupation, dealing with each case according to its own circumstances.

3 Hans., cci. 992.

Fixity of Tenure.

.... To the extent of recognizing and acting upon this principle of tenant-right, the Government had succeeded in carrying the House of Commons with them; but now his hon. Friend, under the name of a permissive tenant-right, proposed to create that which was, in fact, a perpetuity of tenure, subject to the payment of rent to be fixed compulsorily from time to time by a public valuator. Friend excepted from the operation of the clause the whole tenant-right region of Ireland, and also any portion of the country in which hereafter the Court might find that a tenant-right custom existed. But of that exception the whole tenantry of Ulster, he thought, would have reason to complain, for they would be excluded from the enjoyment of this perpetuity of tenure. The Ulster tenantright was something very different from that now proposed. for the land there was not to be held at a rent fixed from time to time by compulsory valuation, but subject to certain well-ascertained conditions, upon change of tenancy,

Mr. Chichester Fortescue.

which had been found sufficient for the protection both of landlord and tenant. The proposal of his hon. Friend would certainly be viewed by the Irish tenants as equivalent to perpetuity of tenure, subject to periodical revaluation. He proposed, it was true, to attach to it three conditions, under either of which the tenure was to be forfeited-namely, non-payment of rent, subdivision of holding, and serious waste of the farm. But, for his own part, he must declare that he was no believer in the possibility of enforcing these conditions. When once the perpetuity of tenure was acceded which his hon. Friend proposed, it would, in practice, be absolutely impossible to enforce any restriction, and still less any forfeiture, for any cause short of non-payment of rent. His hon. Friend believed that the thing was possible; but he certainly could not agree with him. To suppose that, under such circumstances, the landlord would retain in his hands any practical power of preventing subdivision of the lands was, according to his knowledge and experience of Ireland, an absolute delusion. . . . The Government had steadily re- 3 Hans., sisted the idea of rent being fixed arbitrarily by a public authority, and, in introducing this Bill, the First Minister Valuation of of the Crown had exhaustively spoken on that subject; while the cases quoted by his hon. Friend were not cases in which the rent was so to be fixed, but only where the Court would, in determining another matter, find it impossible to exclude the subject of rent from its consideration, which was a different thing. Rents, he believed, would, under the operation of the Bill, be left to fair competition, subject to the conditions specified in the Bill.

#### MR. LOWE.

IRISH LAND BILL, 1870.

I HOLD it is a retrograde notion in jurisprudence to 3 Hans., pass laws to limit the power of free contract between claxxiii. 1078. landlord and tenant. I hold this introduction of a com- Freedom of pulsory term into voluntary contracts to be a blundera solecism. . . All these attempts against nature, against the laws of political economy, and against that natural law which binds men by the contracts they make, must in the nature of things recoil; and the person whom you mean to benefit is injured by them. . . . I have no doubt myself that in Ireland, more than anywhere else, it is necessary our legislation should be founded on principles perfectly broad, perfectly well ascertained, perfectly defensible upon the most abstract philosophical grounds. . . You cannot give up principle without encouraging those dreams of reconquering land which has been taken from them. . . . You must take your stand upon something; that something ought to be truth, honesty, and sound principle. If it is necessary to maintain them in England, it is ten times more necessary to adhere to them with punctilious accuracy in Ireland.

As regards the laws of political economy, I believe 3 Hans.. they are the same on both sides of the Channel. As far exc. 1502. as the right of private property goes, I would be no party to do anything in Ireland I would not do in England. . . . There is an oasis in the desert of politics upon

which we may safely rest, and that is afforded us by the principles of political economy.

3 Hans., cc. 1191.

Valuation of Rents.

3 Hans., cc. 1196.

Compensation for Disturbance.

... So that we have relieved the tenant from the compulsion to which he would have been subjected under the old clause, and saved the landlord from that from which we recoil—the notion of submitting to the courts what rent a holding should pay.

. . . Now, Sir, I deny that we treat it as a wrong. The disturbance of a tenant by eviction is a legal act, and a man is right in doing it. But though we admit so much, and although we treat it as a right, yet it is a right the exercise of which is peculiarly liable to abuse. The exercise of that right carries with it what jurists call "imperfect moral obligations," which a man cannot discharge simply and alone, and without considering many collateral circumstances, if he is a just, honourable, and benevolent man. It is a right the legality of which we have never denied or sought to set aside, but it is a right which ought to be exercised with great care, discretion, kindness, and moderation; because, if it be wrongly exercised, it is a calamity not only to the tenant, not only, as frequently happens in Ireland, to the parties who execute that right, but also to the neighbourhood, the county, the country, and the Empire at large. We have, therefore, a right to say that, for the sustenance of good order and the welfare of society, we must jealously watch the exercise of this right, guard carefully against its abuse, and show to every landlord that the law, as far as it can, would have him act as a good and an honourable man. I put it to any person whether he would himself evict a small tenant, and turn him out on the wide world without a shilling in his pocket to seek his fortune?

Mr. Lowe.

... It does not alter property, and we believe if it passes it 3 Hans. will leave Irish landlords possessed of a better hold upon cc. 1201. their estates than they have at present. I rather think they are of that opinion, too. The right hon. Gentleman's zeal on this subject has been warm; but we have seen no proof that it is shared in this House by Irish landlords generally. Of course, we have had to steer between two extremes—between Scylla, impersonated by the right hon. Gentleman, who tells us we should do nothing more than give compensation for improvements, and Charybdis, represented by those who advocate fixity of tenure. We have gone to neither extreme. We have endeavoured without shaking the foundation of property to give adequate relief to the tenants; we have entirely repudiated the notion of fixity Fixity of of tenure; and I think the Irish landlords are very wise Tenure. in acquiescing.

... That his right hon. Friend (Mr. Spencer Walpole) 3 Hans., objected to the clause on the ground that it was too general cci. 425. in its terms. The words of the clause were as follows :- Equities

"The Court shall take into consideration any such claim, objection, or set-off, also any such default or unreasonable conduct of either party, as may appear to the Court to affect any matter in dispute between the parties."

His right hon. Friend maintained that these terms were too vague, and that the subjects to be taken into consideration ought to be distinctly enumerated. Now, without arguing the point in the abstract, he would take a practical analogy. This was a question of finding damages, and damages were found in England not by the Judges to whom it was proposed to leave the assessment of them under this Bill, but by juries. Did anyone ever hear, however, of an Act of Parliament which tied up juries

to deal only with certain matters? On the contrary, was it not notorious that the observation of juries ranged over the whole conduct and dealings of the parties, and that they took into consideration every circumstance they thought proper? It was admitted that the administration of justice by juries was found satisfactory in this country; but if an attempt were made to tie up juries by special enactments as to the circumstances they were to take into consideration, the institution of trial by jury would be deprived of all its value. The same observations applied to the County Court Judges. This, he thought, was a better answer than any abstract reasoning could be to the objection raised by his right hon. Friend.

Mr. Lowe.

## LORD DUFFERIN.

IRISH LAND BILL,

abuses of tenant-right, I have all along been very sensible ccii. 64d. to the respects in which its operations may have been Ulster Tenant fairly considered beneficial. But still I do not deny that, Right. in the main, and with the qualifications I have enumerated, I look upon an unrestricted tenant-right with disfavour. While so far from thinking that the prosperity of Ulster is to be attributed to tenant-right, I am quite convinced that the reason why the agricultural status of Ulster, under conditions equally favourable to its development in respect of climate and soil, the energy and thrift of its inhabitants, and the proximity of manufacturing industries, is inferior to the agricultural status, we will say of Aberdeenshire, is because under the tenant-right customs of the Province, the tenantry of Ulster have been

... So that it will be seen that, while denouncing the 3 Hans.,

fellow-tenants in the Scotch county have been exempt. . . . First of all then I discard, as altogether mon- 3 Hans. strous and untenable, any claim preferred in behalf of the ceii. 66. tenant, to any partnership or proprietory interest in the Joint property soil on the ground of ancient Irish habits, or tribal laws in the soil. and customs, or on the strength of ethnological characteristics, or prescriptive rights of occupation, or any other of the fantastic apologies which have been lately invented for the purpose of glossing over the real character of the

weighted with an initial tax, or rather a differential duty-which the admirers of the custom take a pride in estimating at £20,000,000 sterling—from which their

3 Hans., ccii. 67.

more violent proposals for the settlement of the land question which have been suggested from time to time during the last twelve months. . . . But, my Lords, I, for one, will never agree myself, or try to persuade your Lordships, to sanction the unjust claims of one class, or to sacrifice the legitimate interests of another, merely because successive Governments have been impotent to make the laws obeyed, to protect life, or prevent the demoralization of the popular conscience.

Lord Dufferin.

## MR. DOWSE.

IRISH LAND BILL, 1870.

3 Hans. excix. 1562.

for Disturb-

. . The right hon. Gentleman argued as if, for holdings under £10, compensation to the full amount of seven Compensation years' rent would in all cases be given. But it was not ance. probable that the Judge would often, except in a bad case, give the highest scale of compensation. He might give only one year, or only half-a-year's rent. The maximum was fixed; and the House would observe that under this compensation was included not only the disturbance of occupation, but all improvements, except for permanent buildings and reclamation of land. The right hon. Member for Oxfordshire argued that this compensation would have to be paid even to those tenants who burned foxes' lairs or covers. Well, he (the Solicitor General) did not approve of such conduct, for he thought that foxes had as much right to live and to be hunted as any other animal. But the right hon. Gentleman seemed to have forgotten the 14th clause, which provided that when landlord and Equities tenant came into Court the Judge might take into consideration all the objections and complaints that might be made on either side, and give his judgment according to his view of all the circumstances of the case. under the 3rd clause included all improvements except those for buildings and reclamations of waste land. Now,

he (the Solicitor General) believed, with a good honest Judge, they might leave the landlord and tenant fairly in his hands, and that he would fairly and conscientiously administer the equities which for the first time were now imported into the law of landlord and tenant. The County Court Judges were men of honour, were fully acquainted with the law, and were utterly uninfluenced by politics, and under the Bill there would be an appeal from them to the Courts of Assize, and even higher still, in the event of any point being reserved for the opinion of the Courts above. . . .

3 Hans., excix. 1565. "The Court, in awarding compensation to such tenant in respect of such improvement, shall, in reduction of the claim of the tenant, take into consideration the time during which such tenant may have enjoyed the advantage of such improvements, also the rent at which such holding has been held, and any benefits which such tenant may have received from his landlord in consideration, expressly or impliedly, of the improvements so made."

Usufruct of Improvements.

Could anything be more fair than that provision? Would it not be a monstrously unjust thing that because a house was twenty-two or twenty-three years old, or was not in decay, the landlord should turn the tenant out, and that the tenant should get the entire benefit? No. Let the Judge say how much was to be taken off in consideration of the time the tenant had enjoyed it. . . .

3 Hans., cci. 429.

Compensation for Disturb-ance.

SIR JOHN SINCLAIR said, he wished to know if a landlord wished to increase his tenant's rent 60 per cent., and the Court considered it exorbitant, and the landlord afterwards withdrew his demand for increased rent, whether he would thereby escape the payment of compensation for eviction?

Mr. Douse.

THE SOLICITOR-GENERAL FOR IRELAND (MR. DOWSE) . . . That would not be an eviction or a disturbance. If, however, a landlord served his tenant with a notice to quit for refusing to pay an exorbitant rent, and proceeded to turn him out, he hoped the Court would impose the highest amount of damages that could be inflicted upon him.

. . . The hon. Member (Sir John Gray) had lauded the 3 Hans., clauses on the ground that they would prevent litigation; cci. 1016. but in his (Mr. Dowse's) opinion, they would be, on the contrary, a most fertile source of litigation. In the first Land Court. place, everything was to be done through the medium of the Court—the clause not informing the House what that Court was to be-and the best way to foment litigation was-never to be able to do anything without the intervention of a Court. The first thing that the Court was to do was to investigate the title of the owner-a proceeding occasionally long, elaborate and expensive; then the Court must be satisfied that the interests of the mortgagees would not suffer; and of course the mortgagees must be heard upon the point, and a second elaborate investigation entered into, and then the Court might direct the estate to be registered, provided that no tenant objected to his particular holding being registered. In the event of any tenants raising such objection, the Court-again the Court—was to hear the particular case of each objecting tenant, and was to determine whether or not such objections were valid, or ought to be set aside, and the holdings registered. And what then? Why, the rent was to be fixed, in the first place, by mutual agreement, and resettled after the expiration of every 14 years by the Court. And then, even in cases of gross misconduct on the part of the tenant, the landlord would not be able to serve an ejectment upon the former without first obtaining the

Litigation.

sanction of the Court. A measure more completely subversive of all the relations between landlord and tenant he never saw. If the Government or the Committee were to yield to the propositions of the hon. Member, they would not open a door to litigation, because that word would be a very inadequate description of the facilities afforded for legal contention, but would cause a flood of litigation all over Ireland. Both on principle and on common sense considerations the Government could not consent to send to that country an alternative scheme which they did not believe to be better or so good as their own, and, therefore, he hoped the Committee would reject this clause.

Mr. Dowse.

# SIR ROUNDELL PALMER.

IRISH LAND BILL, 1870.

3 Hans., excix. 1663.

... I freely confess that I had hardly supposed it possible that any measure could be devised on the subject which should so nearly meet the difficulties of the case, and avoid getting into other and greater difficulties. In my opinion, if the Government had yielded to the wild de- Popular demands which were made with loud voices—but I trust not really by the majority of the people in Ireland—they would have taken the most fatal course any Government could possibly have taken in a country like our own-a course of which no man could foretell what might have been the ultimate consequences. On the other hand, if they had produced some weak and inefficient measure, entirely inadequate to the magnitude of the subject, and in no degree calculated to satisfy what was reasonable in the expectations excited—to say nothing of the effect that might have been produced on the position of the Government itself—I think such a failure, after so much hope had been raised, would have been attended with disastrous consequences in Ireland. But, whatever else may be in doubt, on this occasion, I think it is not doubted by anyone that the Government has succeeded in producing a measure large enough and important enough to redeem it from the imputation of feebleness, and, at the same time-looking with candour to its general provisionssufficiently in accordance with the principles of justice to redeem it from the imputation of being, in any degree whatever, revolutionary. I, for one, do cordially thank

General scope of Measure.

the Government for the manner in which they have, in dealing with so difficult a question in these respects, discharged their duty. With regard to the Bill itself, I cannot help observing that the sense generally expressed on the other side of the House as to the soundness, in most respects, of the Bill as applied to the present emergency in Ireland has been qualified by some criticisms, the force of which I confess myself unable to understand. The right hon. Gentleman, for instance, the Member for Northamptonshire (Mr. Hunt), while he commended the Bill in one point of view, so far as it proposes a present remedy for the present difficulties of Ireland, objected to it in another aspect, as settling a land code for the future, as tending to stereotype a bad system, and marking permanently a line of departure from the sound principles of the law of England. I do not concur in that view. As I read the Bill, it is simply and entirely a Bill intended to deal with the present circumstances of Ireland. You cannot, in dealing with such a subject, draw a line between to-day and to-morrow, and say the circumstances of to-day being entirely changed, the system suitable for to-day will be unsuited to the circumstances of to-morrow. When the progress of improvement in Ireland shall have happily advanced to the necessary point-when farms shall have become larger, and the unreasonable demand for land, without reference to the terms on which it shall be obtained, shall cease, the principles of English law may become suitable to the people of that country. The legislation of that day will, doubtless, adapt itself to the circumstances of that time. But these are not at present the circumstances of Ireland, and nobody can tell when they are likely to become so. That being so, you must deal with the existing situation of things as you find it, and with the immediate future as connected with the present state of interests and habits in Ireland. The

Sir Roundell Palmer.

whole, therefore, of that line of criticism seems-if I may venture respectfully to say so-entirely baseless. I quite

concur with what the right hon. Gentleman said, and what was said before him by the right hon, and learned Member for the University of Dublin (Dr. Ball), in very much preferring the state of agricultural habits, and the general laws and customs relating to the land, which prevail in England. That may be my prejudice as an Englishman, or it may be a sound view, as I believe it is. But, whether it is humiliating or not, we must look at the facts of the case; and, the circumstances of Ireland being admitted to be substantially different from the circumstances of England, dealing with circumstances in Ireland which do not exist in England, we must submit to the humiliation, and endeavour to legislate for those circumstances as well as we can. In that state of things, I confess the only questions I am disposed to ask myself on the second reading are—first, whether this Bill preserves the rights of property substantially? and, next, whether you are likely to do any good by it? With regard to the first of these questions, I confess I could not myself have been induced to agree to any measure which seemed to me, upon the whole, to involve any serious and substantial departure from those great and necessary principles on which, as it appears to me, the rights of property rest. Some of the schemes which have been proposed with regard to Ireland do seem to me, I confess, to entirely ignore these principles. I shall not go into argu-Fixity of ment on that subject, because that point was exhausted by the head of the Government when he spoke of fixity of tenure, which, in plain English, means taking away the property of one man and giving it to another. My right Compensation hon. Friend said that, according to the principles of to Landlords. justice, if we transferred property in that way, we must pay for it. No doubt, we may take a man's property,

but, in that case, we must compensate him for it. I prefer the doctrine of my right hon. Friend the First Lord of the Treasury to the extreme proposition stated by the Secretary for Ireland, as held by Judge Longfield. It seems to me that the language quoted as that of Judge Longfield is somewhat dangerous in its extent. learned Judge appears to have said, that those who bought the Parliamentary titles, granted under the Encumbered Estates Act, could not complain of any subsequent legislation which dealt with landlords as a class, and not as private individuals. But that entirely depends on the nature of the legislation. An Act of general confiscation would, indeed, violate fundamental principles in all cases, and not only in the cases of persons having titles guaranteed by Parliament. But still, I think it cannot be denied, that it would be contrary to the special guarantee, as well as to general principles, if you destroyed in one Session titles, on the faith of which you had induced purchasers to invest their money, in another. There is no doubt that there may be a kind of legislation which would be the grossest possible breach of faith; but it does not appear to me that there is anything in this Bill at variance with the universal principles of equity, except, perhaps, the 3rd clause, which deals with estates not held under custom. That is the only provision which appears to raise a serious difficulty. With regard to legalizing Ulster Custom. the Ulster custom, no one has suggested that there is any serious difficulty on that point; but when the right hon. Member for Liskeard (Mr. Horsman) said that the extension of the Ulster custom to the rest of Ireland was open for our consideration, I must say that that does appear a manifest violation of the principles of justice, and to be impossible, if we mean to respect those principles. It is unquestionable that where the custom obtains, and landlords and tenants act on it in their dealings with Sir Roundell Palmer.

Extension of

one another, in such a case it is a matter of honesty for the landlord to allow the tenant to have the benefit of the custom. But when you talk of extending that custom to other parts of Ireland, you speak of a change which would alter the terms which in those other parts of Ireland have already been agreed on between landlord and tenant; and, therefore, if you gave in such a case to the tenant the value of the custom existing elsewhere, you would be just taking so much from the landlord and giving it to the tenant. Another matter mentioned either Fixity of by the Mover or the Seconder of the Amendment was the Tenure. scheme of giving what, in substance, would be fixity of Rents. tenure, with a periodical valuation of the land for the purpose of determining the rent. A scheme more full of objection, both as respects landlord and tenant, I cannot conceive. On the part of the landlord it is objectionable, because you would take away from him his land; and on the part of the tenant it is likewise disadvantageous, because his rent would be just as variable and uncertain as under the present tenure, and would be sure to be periodically raised in many cases in which a liberal landlord might otherwise allow it to continue unchanged. Under such a scheme you would have constantly brought in a Judge or the State-and what could be worse than the interference of the State in a matter of that kind-to settle the terms of the holding, to value all the lands whenever the time of valuation came round, and there would be a continual conflict between landlord and tenant. The working of a somewhat similar system in India has been referred to; but I see, in a pamphlet by Mr. George Campbell, that he was against its introduction into Ireland, because he foresaw that even in India it would not long work as a tolerable system. I come now to the 3rd clause, which appears to contain the only serious difficulty of the Bill in principle. Suppose the case of a tenant

Compensation for Disturbance.

Equities Clause.

who holds under no custom; yet, besides compensation for improvement, this clause proposes that such a tenant shall receive something for the loss he has sustained in quitting his holding if it is done by the act of the landlord. It is not possible to estimate the objections to, or the justifications of, that clause rightly, without bearing in mind another very important and elastic clause in the Bill, mentioned by my right hon. Friend when he introduced the Bill-namely, the 14th clause, which provides that, in the case of such a difference between the parties as obliges them to go into Court, the landlord shall be able—as against any such claim as that mentioned in the 3rd clause—not only to set up any counter claim arising from the deterioration of land, breach of covenant, &c., but also any other circumstances of conduct on the tenant's part, which may justify him in the course he has taken. Without that safeguard it must be admitted that the Bill would be giving something to the tenant which does not belong to him, and taking away from the landlord something which belongs to him. But, under that clause, if the landlord can show reasonable cause for eviction, he may reduce the tenant's claim to nothing, or so neutralize it as to make his compensation much less than it would be under the maximum of the scale in the Bill. Even so, I feel that such a provision can hardly be justified, unless on the ground of some great political necessity for placing a strong check upon arbitrary evictions, in the interest of property itself, and not as a mere boon to the occupiers of land. I am therefore led to ask, whether the Irish landowners generally object to this principle? And we got a reply to that question from the able speech of the hon. Member for Carlow County (Mr. Kavanagh), who said that, looking the clause clearly in the face as a penalty on bad landlords for unreasonable evictions, he thought it would be for the benefit of landlords, on the whole, as Sir Roundell Palmer.

giving to them, as well as to their tenants, a greater security of tenure. If that be its true character I draw this corollary, that it will not upon the whole diminish the value of land in Ireland. At the same time, I hold myself fully at liberty to consider in Committee whether the Possible clauses connected with this subject do not require amendment for the purpose of preventing any possible injustice. Great objection has been made, as if there were something contrary to principle in the matter, to those parts of the Bill by which it is provided that certain rights given by the measure shall not be contracted away. I see no objection to that. If the Bill be wanted by the circumstances of Ireland, it is so on the principle that bad landlords and small tenants, willing to get land on any terms, are not to be trusted to contract equally with each other, and that the want of some safeguard in this respect is a source of serious political danger in Ireland. In that case it is consistent with sound principles of policy, and with many instances which might easily be produced from the laws of the country, to say-"On those points and for those purposes, in respect to which the law cannot trust the landlord and tenant to deal with each other, the law shall make a contract, and they shall not be able to alter that law." That is a sound principle if prudently applied. It has also been asserted that enormous litigation will grow out of the Bill. Well, everybody knows that you cannot give legal rights without also giving legal remedies. But I do not think it is a just view of Litigation these clauses to say that, as a general rule, their tendency is to force parties into litigation, or to invite them to it. They are really addressed to this end, that if differences take place which make a resort to justice necessary, the litigation shall be as short as possible, that the remedy shall be as simple, as accessible, as summary and as cheap as it can be. If we are to have the Bill at all-and I

great misfortune—but if the necessity really exists, we must provide both legal rights and legal remedies; because it proceeds upon the supposition that there are bad landlords, who will not do justice to their tenants, and bad tenants, who will not do justice to their landlords unless they are compelled by law. I do not think we need trouble ourselves very much about the clauses for enabling people to acquire land. It seems to me that they are very unimportant; but I am quite willing that a little money should be so spent, and that the experiment should be tried upon the responsibility of the Govern-Effect of Bill. ment. I will say but a few words on the effect to be expected from the Bill. No man can expect that standing alone it will accomplish its object. No wise man, who knows the history and character of the outrages that have disgraced the Ireland of the present day, can believe that those who are guilty of those outrages draw any just or equitable distinctions. Whether the evictions be for nonpayment of rent or from any other cause, the evidence before the Devon Commission, and much later information which has reached me, and which I am sure I can trust, proves that those who have no regard for other men's lives are just as likely to use the violent methods to which they are accustomed where a landlord has done no wrong, and where an eviction has taken place for the most justifiable cause, as where it has been for the most arbitrary That evidence proves that such ruffians not only draw no distinction between eviction for non-payment of rent and eviction for any other cause, but it proves that old claims, aye, and claims that have actually been amply compensated, are, sometimes after the lapse of many years, raked up, and raked up for purposes of the most horrible description. No wise man, therefore, will expect that this measure, standing alone, and recognizing, Sir Roundell Palmer.

as it does recognize, the rights of both landlords and tenants, will of itself put an end to these outrages, or produce that peace and harmony which we all so much desire to see established in Ireland. But I apprehend it will do this—it will remove everything like plausible reason justification, of course, there can be none—for any connivance on the part of those of the people who are not themselves guilty of these outrages with the outrages, and with the persons who are guilty of them. It will remove, as far as legislation can remove it, the moral cause of the outrages, and that being so, the Government will have full moral justification for those ulterior measures which I quite agree with my right hon. Friend (Mr. Horsman) in thinking will be found to be the necessary complement of this Bill-measures without which it cannot by any possibility succeed—if indeed the influence of those who lead the people of Ireland, and the moral power of the better and much more numerous part of the population should not at once be sufficient, as we hardly dare hope it can be, to put an end to these disorders. It is absolutely necessary, for the success of the Bill, that these disorders should be put an end to. It would be a mockery to talk of justice; it would be a mockery to talk of redressing wrongs, if you allowed the greatest wrongs to pass unredressed—if you allowed the rights which in this Bill are solemnly asserted to remain at the mercy of the secret assassin and of the bands of conspirators who can invoke him when they please. It would be an absolute mockery. Your Bill will not be worth the paper it is written on if it is not followed up by measures sufficient to establish the authority of the law. Nor will it do to say that in Ireland you can only apply the measures which are suitable to the circumstances of England. This Bill is, in every line of it, an answer to such an argument. This Bill is not suitable to the circumstances of England, and it is so because the circumstances of Ireland are different. If in England we had such outrages and disorders as prevail in Ireland, does any one imagine for a moment that we would encumber ourselves with difficulties arising out of constitutional forms and precedents, if they stood in the way of the object for which laws exist and did not tend to fulfil those objects? It is, then. I maintain, the most sacred duty of the Government to render their measure effectual by protecting both tenant and landlord in Ireland in the enjoyment of their legal rights, and by putting an end to the murders which now make peace and prosperity in some parts of Ireland — happily they are but a few parts of Ireland after all-impossible. But, mind, though it is true that they are but a few parts of Ireland, no man can tell to how many other parts these crimes would extend, if such a system were allowed to go unchecked. And I must say, that of all the mockeries in the world, the greatest is to talk about the mischiefs absenteeism produces, and to express a desire that landlords should reside among their tenantry, be the dispensers to them of benevolence, spend their money on their estates, and discharge the other duties which belong to their position, when if a landlord residing upon his property only seeks to obtain his rent, or to exercise the rights of a proprietor for some other just and lawful purpose, his life and the lives of his servants, agents, and children immediately become at stake. I do not think anyone can fail to see that the impotence of the law to punish the commission of crime in Ireland tends to dissolve all the bonds of society. The effect of such a state of things does not stop with the landlord; it goes down to his bailiffs and agents, to the railway official and the egg merchant; in short, any man who seeks to do what he is allowed to do by the law, and who is the object of his neighbour's jealousy and envy, is liable to have not Sir Roundell Palmer.

only his property but his life placed in danger. Nothing on earth, I may add, should induce me to support this Bill but my firm conviction and persuasion that the Government, which has exhibited so much courage with respect to this Bill, which displayed equal courage last year, although I did not then agree with them, and which is supported by so large a majority both in this House and in the country, are as much determined to do their duty with regard to the steps which remain to be taken for the purpose of protecting life and property in Ireland, as they have shown themselves to be in producing these conciliatory measures, which, if they have the desired effect, may succeed in reconciling two countries which have been so long and so unhappily divided. . . .

. . . He had given Notice of an addition at the end of 3 Hans., the clause, and its object was simply this—Compensation cci. 427. under Clause 3 was intended to provide only for cases of Compensation improper and capricious eviction; and he considered that for Disturbance. it would be desirable in the Equities Clause to fix that point, which was one of principal, in a manner clear and Equities unmistakable. So far as the object he had in view was concerned, some encouragement had been given to him by his right hon. Friend at the head of the Government; the principle was recognized, and favourable consideration was promised for the substance of the Amendment. His right hon. Friend, however, was not satisfied at present with the words of the Amendment, and was desirous that it should be postponed till a later stage, in the hope that in the meantime some words would be suggested which would avoid difference of opinion. He therefore felt it his duty to defer to the wish of his right hon. Friend; but unless some other words were moved, he should

undertake to move upon the Report, a clause in the same words or to the same effect.

Mr. GLADSTONE begged to thank his hon. and learned Friend for postponing his Amendment. So far as he understood the object, they were completely at one; but whether it was best expressed in the clause as it stood, or in such words as might be devised, there would be great advantage in more prolonged consideration.

Sir Roundell Palmer.

### SIR R. P. COLLIER.

IRISH LAND BILL. 1870.

. . . I cannot conceal from myself the fact that many 3 Hans., hon. Members-I would mention among them the hon. Member for Clonmel (Mr. Bagwell)—who have repudi- Tenure. ated fixity of tenure in terms really mean what I should understand as fixity or perpetuity of tenure; for when they say that the landlord ought not to have the power of ejecting the tenant except for non-payment of rent, and that the tenant has a right to remain on his holding as long as he pleases, what does that really mean but fixity of tenure—that is, that the landlord is to be deprived of his property? Sir, we must look this matter in the face. The Government, it appears to me, have done all that they fairly can to secure what my right hon. Friend at the head of the Government explained to be security of tenure, as distinct from fixity or perpetuity of tenure. If you go further, as was said by the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), you dissolve altogether the ties which unite landlord and tenant, you take from the landlord the inducement to reside on his property, you give him every in-

ducement to become an absentee, and, call him by what name you will, he is a mere rent receiver. These, then, are provisions which cannot be assented to by Her Majesty's Government.

Sir R. P. Collier.

#### MR. LAW.

LAND TENURE (IRELAND) BILL, 1876.

As three months have now passed since this debate was 3 Hans... adjourned, I hope the House will permit me, in the first ccxxx. 624. instance, briefly to refer to some of the principal provisions of the Bill before us. As I mentioned in March last, in moving the adjournment, there are some clauses in the earlier parts of this measure which propose amendments of the existing law that, standing by themselves, would, I think, deserve a favourable consideration; but, on the other hand, the latter and larger part of the Bill of my hon, and learned Friend (Mr. Butt), and which he rightly states to be its most important part, is framed on principles that I at least regard as totally inadmissible. fact, Sir, the Bill is only nominally one Bill-it is in reality two Bills: and, moreover, two Bills which even the skill of my hon, and learned Friend has necessarily failed to mould into one, for this simple reason, that they are based on altogether dissimilar, if not opposite, principles. The earlier clauses constituting the first and second parts of the Bill propose, for the most part, certain amendments of the Land Act, to meet particular inconveniences and hardships that have arisen in carrying out that measure. But the third part of the Bill proceeds on wholly Transfer of different principles, and, abandoning all attempt to complete the securities provided by the Land Act, proposes enactments which, if they were sanctioned, would practically transfer the property of every holding from the landlord to the tenant. And now, Sir, before I go further,

Present Law.

3 Hans., ccxxx., 630.

Fixity of Tenure. Valuation of Rents.

let me remind the House what is the state of the law of landlord and tenant in Ireland, as settled by the Irish Land Act of 1870. In the first place, that measure has secured to every Irish tenant compensation for his bonâ fide improvements, whether by building or otherwise, as well as also compensation for disturbance, if he be evicted without just cause; and, in the next place, it has made the custom of tenant right legally, as well as morally. binding in Ulster. . . . But now, Sir, turning to the rest of the Bill of my hon, and learned Friend, we find a totally new departure. Here, Sir, is no amendment of the Land Act, but a proposal that every occupying tenant of land in Ireland shall be enabled to obtain from the Chairman a declaration of tenancy which shall make him and his successors for ever absolutely irremovable from his farm, save for non-payment of a rent to be assessed from time to time by neighbouring farmers with similar interests, and, of course, similar prejudices. I know it is declared that the estate thus to be conferred on the tenant shall be a tenancy "from year to year." But, Sir, this is only our technical jargon. We can none of us enjoy property but from year to year, aye, from day to day, or even hour to hour. By the rules alike of common law and common sense the perpetual right to the profits of the land is the fee-simple of the land. The property must be in some one; and if we were to secure the possession of the land, and the enjoyment of its profits to the tenant and his successors for ever, subject only to a rent, we should, in effect, no matter how we try to disguise it, transfer the property of the farm to him, and change the present landowner into a mere rentcharger. I may observe, too, that this Bill does not provide, as used to be suggested by my hon. and learned Friend and others in similar proposals, that persistently bad cultivation, or subletting, or subdivision, without the consent of the so-called

Subletting. Subdivision.

Mr. Law.

landlord, shall involve a forfeiture of the holding. Take sub-letting, for instance, or subdivision. The landlord is in such cases to be permitted now to sue for damages merely; and supposing him to succeed in satisfying a probably not very willing jury that there has been such subletting or subdivision as he complains of, why he must just be satisfied with so much compensation as they may think fit to award him. It is, however, provided that neither letting the land in conacre, nor for grazing or meadowing, nor even letting part of the dwelling-house, shall amount to a breach of this nominal obligation; and recollecting how subdivision commonly arises in Irelandsons marrying, but continuing to live under their father's roof, and farming jointly with him-it is easy to see what facilities are thus provided for indefinite subletting and subdivision of land. Why, Sir, the evidence given before the Committee of this House, in 1865, showed that, in the words of one of the witnesses, "the advantage taken of long leases was usually that of subletting, which the tenant did in spite of all the landlord could do." Take, as an example, Lord Palmerston's case. He had demised a farm of 250 acres; but when the lease expired, he found it cut up into such miserable patches that there were actually 135 tenants on one townland containing 200 acres! Can we wonder that natural laws thus disregarded at last avenged themselves? or need I say that, when the year of famine came, the kindly landlord had to spend more than three years' income in keeping the wretched people alive? Well, Sir, if landlords found themselves powerless to check this perilous practice of subdivision, though forbidden by their leases-and by statute, too-and technically entitling them to evict the tenant, what prospeet would there be under the new regime of my hon. and learned Friend of the landlord being able, in the very smallest degree, to check this fatal tendency, the

Freedom of Contract.

Fixity of Tenure. Practical Difficulties.

only power left him being to bring actions for lamages against the tenants? Nay, Sir, why after all should he trouble himself to make the attempt? Reduced by the State to the position of a mere rent-charger, he might not unfairly ask the State at least to guarantee his rent-charges, and let the State see after its rew proprietary, and save them from the consequence of indefinite morselling of the land, if it could. But the Bill proposing practically to give to every agricultural "occupier as such" the perpetuity of his holding, it further provides, that every contract that would interfere with that paramount object shall be absolutely void. Now, the result must therefore be, that even the favoured occupier, who thus gets the perpetual interest, cannot, under pressure of ill-health, or other necessity (nor if he dies leaving infant children, can his family) make any letting of the farm (even with the rent-charger's consent) to any other person, without thereby enabling this new occupier in turn to appropriate the perpetuity of the land, and convert the last owner also into a subordinate rent-charger. Only imagine the confusion and entanglement of titles into which we should thus be inevitably plunged-not to speak of the fearful dangers to which indefinite subletting and subdivision of the land would again expose the country. We have, with difficulty and after much suffering, just now emerged from such a sea of troubles; and I own I have too painful a recollection of the past to be willing to join in a scheme that I believe would be calculated to reproduce the like misery. But let us realize the effect of this measure from another point of view. There are in Ireland, it is said, nearly 600,000 agricultural holdings. Of these, about one-half—that is, 300,000—consist of less than fifteen acres, and 120,000 of them contain less than five acres. Now, Sir, in all the proposals that were formerly made for "rooting the Irish tenant in the soil," Mr. Law.

there was always a minimum of acreage, below which it was said to be unwise to go. Fifteen acres was admitted to be the lowest point, and even this to depend on the land being good. Such was the opinion expressed to Mr. Maguire's Committee in 1865 by Mr. J. B. Dillon, then a Member of this House, and the trusted champion of the Irish tenant; and I see that even my honourable and learned friend the Member for Mallow, before the Lords' Committee of 1867, when suggesting that every Irish tenant should have, not a perpetuity, but a sixty years' lease at a fair rent, excepted from his proposal the small occupiers. Now, in speaking thus I do not mean to make any dogmatic assertion upon the vexed question of large or small farms or properties. What I do object to is a Freedom of law which compulsorily settles the question one way or the other. I strongly object to laws which seek to favour big estates, and I equally object to laws which would force small ones on us. What I desire is, that things should be left absolutely free to find their natural level, because I have no manner of doubt that thus the best solution of the question will be arrived at. Perhaps, however, I may be permitted to suggest that, at a time when very competent authorities tell us that in agriculture no success is, in the long run, possible without mechanical appliances, it would be a rather dangerous experiment to establish, by force of law, a system which, so far as it is operative, must keep the agriculture of the country entirely in the hands of those who cannot obtain help of this expensive kind; and which must, in short, practically divorce capital altogether from the cultivation of the soil. My hon, and learned Friend, in the Preamble of his Bill, refers to the existing law as a "hindrance of agriculture." Well, Sir, I will not adopt as Fixity of my own the forcible language of Philocelt, a well-known Tenure. Irish writer, in reference to "fixity of tenure," which, he

Absenteeism.

Valuation of Rents. very much fear that under the stereotyped-perhaps I might even say paralyzing—system that these proposals would fix upon us, the last state of poor Ireland would, in respect of agriculture at least, be worse than the first. But, Sir, there are still other ways in which we may regard this proposal. I cannot but believe that the landlords now converted into rent-chargers—with little interest in what were once their estates—would cease to live on them. They would, I presume, disappear from the country, and become absentees and loungers here and in other great cities. This, Sir, I think, will hardly be deemed desirable even by the followers of my lon. and learned Friend. Absenteeism used formerly to be the bête noir of Irish politicians, and yet a measure is now calmly proposed which would tend to make every country gentleman in Ireland quit its shores, and leave his estate and its occupant-owners to shift for themselves. believe there is no country in Europe in which aresident gentry is more to be desired than in Ireland, and for this reason also I regard these proposals of my hon, and learned Friend as unsuitable and unwise. But let us consider for a moment the justice of the measure. landlord is to be practically expropriated, and given in return for his ownership of the land a rent measured by arbitrators or by a jury-by arbitrators who, according to the Bill, must be practical farmers of the district, or by jurors who, as a matter of fact, will be substantially of the same class—that is to say (speaking roughly), the landlords of Ireland are to get for what is now their land whatever amount of rent the tenants of Ireland think fit to give them. But this-which, let me say, Sr, is no mere matter of detail, as my hon, and learned Friend would represent it, but is really the most important part of his scheme, the central principle of his measure—has Mr. Law.

been sufficiently criticised already, and by none more acutely than by my hon. Friend the Member for Roscommon (The O'Conor Don), when he pithily asked his farming constituents how they would like to have the price of their fat cattle fixed by a committee of butchers. Again, Sir, this measure would be unjust, not only to the landlords, but also, as has been pointed out alalready, to all other classes in Ireland that desire to take land. Consider the farm labourers. They are in number nearly equal to the farmers, and we know their very proper ambition is to become farmers themselves. Or, take again the small shopkeepers, and many others on the look out for farms. What have all these people done that they are to be debarred by law from getting what they want and are willing honestly to pay for? My hon. and learned Friend complains that "outsiders" are, in many instances, ready to bribe the landlord to evict the present tenants, offering to repay him all that may be awarded for disturbance or improvements, and to take the land themselves on higher terms. Well, supposing such cases Competition to be common, what do they prove? Simply that there is for Farms. a keen competition for farms, and this my hon. and learned Friend would seek to check by force of law! I own I thought legal attempts of this kind had long ago been wholly abandoned as alike impolitic and futile. Why should all these "outsiders" be forbidden to become farmers? Nay, is it not plain as light that in the end those who are ready to pay the highest price will get land as well as anything else? Naturam expelles furca tamen usque recurret. Things will thus adjust themlyes as surely as water rises to its natural level; and the only difference will be, that the increased value will have been transferred from the present landowner to his more fortunate tenant. I have not yet, Sir, heard any sufficient reason advanced for entering on this legislative enterprise, nor can I myself

discern any; though I think I do see that such an attempt

would be unjust to the landlords as well as other classes of the community, and would also prove a real "hindrance" not only to the agricultural but also to the general improvement of the country. But, Sir, it is needless to criticise these proposals further. Such proposals have been made before. They were made during the discussions that preceded the introduction of the Irish Land Bill in They were referred to and examined in the luminous speech of my right hon. Friend the Member for Greenwich when he introduced that measure. He there showed the injustice and the impolicy of any such virtual transfer of property as must be involved in the compulsory establishment of "fixity of tenure," and for himself and the Liberal Party which he led pronounced emphatically against it. Instead of disturbing and unsettling the foundations of property, my right hon. Friend and those who acted with him carried through Parliament the Irish Land Act, the substantial effect of which I have already stated a measure which I do not say is absolutely perfect—none of us here pretend to be infallible, or to have foreseen, much less succeeded in providing for, all the difficulties that ingenious minds, sharpened by hostility, might create to obstruct the application of the Act—but a measure which was at least honestly designed to give, and which, so far as it has been loyally accepted and fairly carried out, has, I believe, given real security to the Irish tenant. For I contend, Sir, that the capricious eviction of which we have heard so much has been almost practically stopped in Ireland by the penalties which the Land Act imposes for any such unreasonable exercise of proprietorial rights. we refer to the last Irish judicial statistics, and look at the return of civil bill ejectments carried out to actual eviction. we shall see that putting aside—as we must do for this

purpose—cases of non-payment of rent, there were in

Fixity of Tenure.

Security of Tenure. Capricious Eviction.

Mr. Law.

1874 ejectments for all other causes executed by the sheriff just 453, being, according to the same authority, less than nine for every 10,000 holdings exceeding an acre in extent—that is, less than one in every 1100 such holdings: whilst if, as we ought to do, we include in the comparison all agricultural holdings of every size, we find that the evictions in 1874 for all causes other than non-payment of rent were about one in every 1300 holdings. But even this proportion must be further reduced. The returns do not distinguish whether these ejectments are by landlords against tenants; or as constantly happens, and now more than ever, by one member of the family against another, to assert his right to the farm; by the purchaser under a sheriff's sale of the tenant's now valuable interest, or by other claimants. We cannot, therefore, I think, in fairness, assume the proportion of evictions by landlords, for other causes than non-payment of rent, to be higher than one in every 2000 holdings. Putting it in another way, and, for the reason I have mentioned, reducing the number of these evictions from the gross 453 to 300, as representing cases of landlord and tenant, we get 300 as the number in 1874 for all Ireland; and taking the number of landowners as just returned to us to be about 30,000, showing an eviction by only one landlord out of every 100 in the course of the twelvemonth. Again, I find in the same volume that there were decrees made in land claims for compensation to tenants in 222 cases, and for sums amounting in all to nearly £20,000, being an average of £87 all round. Now, I think, in the first place, we may fairly assume that as to the balance of the number of evictions, they must have been either cases not between landlord and tenant at all, or, at all events, cases in which the tenant had no just cause of complaint. For we cannot shut our eyes to the fact that, as there may be bad landlords so there may be bad tenants, whom it is the

interest of the country to have replaced by better and more industrious men; and, for the rest, I own it seems to me that an average fine of £87 is such a smart duty on the transaction as to amount to a virtual prohibition of, or at least a very substantial protection against, capricious or unjust eviction. It is also, Sir, somewhat remarkable that by far the largest number of land cases arise in Ulster. Thus, they were in 1874, in that Province, thirty-nine for every 10,000 holdings above an acre; whilst in Leinster they were only six; in Connaught five; and in Munster just four in every 10,000 of such holdings-a result which I submit would rather tend to show that the Land Act has been even a greater success in the other Provinces than in Ulster. I may add, that in dealing with these statistics I have not based any of my calculations on the figures given us in the speech of the right hon. Baronet the Chief Secretary for Ireland, on the first day of the debate. If these are to be relied on, the results would be still more striking than those I have just stated. He says he finds that in 1875 there were in Ireland only 686 evictions altogether; of which twothirds must be deducted for non-payment of rent, leaving only some 228 for all other causes, or about 150 by landlords—that is to say, one in every 4000 holdings, or an eviction by one landlord out of every 200 for the year. I confess, however, Sir, that I am not satisfied that the figures with which the right hon. Baronet has been supplied are correct, and, therefore, I prefer to rest on the published statistics, which have not yet gone beyond 1874, and are, I think, sufficiently significant for our purpose. On the whole, then, with this evidence before me, proving, as it seems to me, the almost virtual cessation of capricious eviction, which alone has been relied on in argument as the justification of the proposal, I must repeat that I decline to vote for the transfer of the pro-

Transfer of Property in the soil from Landlord to Tenant.

Mr. Law.

perty in the soil from the landlord to the tenants of Ireland—first, because I believe such a measure would be unjust; next, because I believe it would impede Agricultural improvement, instead of promoting it; and, finally, because I believe it would in many other ways check all progress in the country. And here I would venture to remind my hon, and learned Friend, and those who think with him in this matter, whether in this House or outside, of the wise words of the Bishop of Cloyne before the Committee of 1865, when he more than once expressed his deep regret that what he called "exaggerated claims" had been put forward by some for "fixity" of tenure, as Fixity of distinguished from "security"; because he believed that Tenure. such claims prejudiced the case of the Irish tenantry, and prevented the redress of real grievances.

# INDEX.

Absenteeism—									
Law, Right B	Ion. Hugh	,							94
Anticipated Effects of Land Bill of 1870—									
Fortescue, Ri Gladstone, Ri Palmer, Sir I	ght Hon.	W. E.,			12,	13, 8	31,	10,	42
Capricious Eviction—									
Law, Right I	Hon. Hugh	,							96
Hartington, I	Marquess o	f,	•						46
Competition for	r Land-	-							
Hartington,	Marquess o	f,				. 1			48
Law, Right I	Hon. Hugh	١,	•			٠			95
Compensation for Disturbance—									
Dowse, Mr. I									
Fortescue, R									
Gladstone, R	ight Hon.	W. E.							
				30, 31	, 32,	36,	37,	39,	
Hartington,					•				45
Lowe, Right									
Palmer, Sir	Roundell,							00,	00

Compensation to Landlords—						
Gladstone, Right Hon. W. E., Palmer, Sir Roundell,				2, 3,	5,	7
Contract, Freedom of-						
Gladstone, Right Hon. W. E.,				8,	11,	25
Law, Right Hon. Hugh, .					92,	
Lowe, Right Hon. R.,		i.				6
Contract, Security of-						
Gladstone, Right Hon. W. E.,	. 111					1
Equities Clause—						
Dowse, Mr. R.,			Baj	(g)		7
Gladstone, Right Hon. W. E.,	1.06	in a	ringi	10.	16.	
Lowe, Right Hon. R.,						
Palmer, Sir Roundell,		./ 1		m fe.	80,	8
Fixity of Tenure—						
Collier, Right Hon. Sir R. P.,						8
Fortescue, Right Hon. Chichester,			100		61,	65
Gladstone, Right Hon. W. E.,	2, 3,	5, 6	, 7,	15,	18,	19
		22,	25,	37,	38,	39
Granville, Earl,						58
Hartington, Marquess of,			, az			51
Law, Right Hon. Hugh,		90,	92,	93,	96,	
Lowe, Right Hon. R.,			1		-	67
Palmer, Sir Roundell,					77,	75
Free Sale—						
Fortescue, Right Hon. Chichester,	T tida	u, is		h .		57
Improvements, Usufruct of—						
Dowse, Mr.,	. nghi	Jie	0. 0			72
Gladstone, Right Hon, W. E.,	Quality !	t did	JE	1150		36

Joint Property in the Soil-					
Dufferin, Lord,					69
Gladstone, Right Hon. W. E.,		BCS.		18, 20	
Hartington, Marquess of, .			1		46
Land Commission—					
Hartington, Marquess of,				141	50
Land Court—	La lie				
Dowse, Mr. R.,		1			73
Litigation—					
Dowse, Mr. R.,			The said		74
Palmer, Sir Roundell,	Lons		rodali.	1000	81
Popular Demands—					
Gladstone, Right Hon. W. E.,	T.	10.30			40
Palmer, Sir Roundell,					75
Rents, Reduction of Excessiv	e—				
Gladstone, Right Hon. W. E.,		ette			20
Rents, Valuation of—					
Fortescue, Right Hon. Chicheste.	r, .	80.		61	, 63
Gladstone, Right Hon. W. E., 3,	10, 19	, 21,	22, 2	5, 38, 3	941
Granville, Earl,					53
Hartington, Marquess of,				. 50	, 51
Law, Right Hon. Hugh,				. 90	, 94
Lowe, Right Hon. R., .					66
Palmer, Sir Roundell,					79
Security of Tenure—					
Gladstone, Right Hon. W. E.,					18
Hartington, Marquess of,				1.0	46
Law, Right Hon, Hugh,					96

Subc	livision—					
	Gladstone, Right Hon. W. E., Hartington, Marquess of, Law, Right Hon. Hugh,	in til is ngill			di)	12 47 90
Subl	etting—					
	Gladstone, Right Hon. W. E., Law, Right Hon. Hugh,			· ·		12 90
Ulst	er Custom—					
	Dufferin, Lord, Fortescue, Right Hon. Chichester, Gladstone, Right Hon. W. E.,				. 17,	56
Ulst	er Custom (Extension of)-	-60				
	Fortescue, Right Hon. Chichester, Gladstone, Right Hon. W. E., Palmer, Sir Roundell,			18,		
Ulst	er Tenants (Payments by)	77 12				
	Fortescue, Right Hon. Chichester,				- sutur	56
Tran	nsfer of Ownership—					
	Gladstone, Right Hon. W. E., Law, Right Hon. Hugh,		india.	i Aga	. 89,	24 98

# AGITATION IN IRELAND,

FROM

### A LANDLORD'S POINT OF VIEW.

BY

ROBERT STAPLES, JUN.

REPRINTED FROM THE "UNIVERSITY MAGAZINE."

LONDON:
WILLIAM RIDGWAY, 169, PICCADILLY, W.
1880.

LONDON:

G. NORMAN AND SON, PRINTERS, MAIDEN LANE,

COVERT GARDEN.

#### PREFACE.

This paper, which originally appeared in the University Magazine, last June, has been republished by the desire of numerous friends. I have been the more willing to comply with their request as I know that in England there prevails a serious misconception with regard to the real relations between owners and occupiers in Ireland. The invention and circulation of systematic falsehoods with regard to Irish proprietors has also now become so fashionable that it is necessary for the injured party to produce evidence in their own defence. In the hope that a few facts may help to enlighten some whose chief knowledge of Irish affairs may be usually derived from the columns of the anti-landlord press or the mouths of "Nationalist" orators, this paper has been issued. It was written before the latest and most conspicuous "concession to clamour and agitation" was made

by the introduction of Mr. Forster's "Compensation for Disturbance Bill."

Those who desire further reliable information on the subject of Irish tenants and their "improvements" will find it in two admirable papers written by an Englishman long resident in Ireland, Mr. W. Bence Jones, and published in Macmillan's Magazine in April and July, 1880.

R. S.

Dunmore, Durrow, Queen's Co. July, 1880.

In jude

## AGITATION IN IRELAND,

FROM

#### A LANDLORD'S POINT OF VIEW.

THE events of the last few months have again succeeded in attracting public attention in a marked degree towards Ireland. It is to be feared that to most Englishmen that country is a painful subject, and one which is apt to be viewed from an extreme standpoint, according to the political bias of the spectator's mind. Sweeping condemnation of one class or another may alternate with a not unnatural wish that the island itself could be quietly transferred to the most remote and inaccessible portion of the globe. Still, as its existence and consequent embarrassments cannot be so summarily disposed of, I venture to offer a few remarks upon certain points that have been somewhat overlooked. I feel the less reluctance in entering upon the subject on account of the numerous speeches and articles in magazines, which have been put prominently forward, having been for the most part directed from the same quarter, and aimed at the same mark. The unanimity of the attacks upon the present unhappy proprietors in Ireland might also, if left unnoticed, help to produce an erroneous impression upon impartial observers, who might perchance recollect that unity and concord have not hitherto been strongly characteristic of the Irish Nationalist party. If the remarks I now propose to advance from a landlord's point of view should in any way help to show forth some of the numerous difficulties (and dangers) that are so wildly scattered in the paths of the landlords in Ireland, my object will have been fully attained.

The agitation that was carried on so actively during the past season, and which still flickers up in places with a spasmodic flame, may perhaps have served one good purpose, though one little intended by its promoters. It must have shown how extreme and impossible were the demands of those who conducted it, and how vague and illogical were the purposes aimed at. It must have occurred to those who watched its progress that the resolutions usually passed at the various land meetings were of a truly Hibernian, and therefore contradictory nature. They were generally of two classes, those directed against the State, and those directed against the landlords. The English Government was first denounced as wholly incapable to manage Irish affairs at all; it was then widely appealed to to save the greater part of the population who must perish without its aid. The landlords were to be exterminated morally, and often physically; their generosity was then implored to save their traducers from ruin. Amongst the merits of this agitation the promoters claimed for it that it had

"checked every disposition to violence," and that "outrages had been fewer than could have been expected." It is scarcely to be supposed that Englishmen who have kept themselves informed of the state of affairs in parts of the West, and which for some time almost amounted to an insurrection, should be found to endorse this view. The increased forces of military and police, and the iron police barracks hastily erected in many places, and the organized resistance and outrages offered to men employed in their duty of enforcing the law, tell a different tale. The charges of the judges at the recent spring assizes in almost every county that has been the scene of frequent land meetings, would alone clearly prove the effect that the agitation has produced on the general peace of the country. When, moreover, the outrages that were committed, are found to be chiefly confined to those counties that were the scenes of numerous land meetings, and to diminish or increase in number in proportion to the area embraced by the agitation, few will be content to accept Mr. O'Connor Power's recent statement that the tendency of the agitation had been "to check every disposition to violence."

The charges brought against Irish landlords are almost too numerous to recapitulate. Want of capital, want of enterprise, extortion, undue interference with their tenants, eviction, absenteeism, form the general refrain of the chorus of denuncia-

tion. There was at one time a danger that judgment might have been given by default against the Irish landlords as a class. Few came forward publicly to rebut any charges brought against their order, and, whether from contempt of their adversaries or from reluctance to put themselves forward in their own defence, their voices were seldom heard.

When Mr. Parnell's campaign in America began this want was to a certain extent remedied, and in the New York Herald appeared a most able and comprehensive letter from Mr. A. Kavanagh, M.P., dealing fully with the various charges that the land agitators were trying to establish. This was quickly followed by others, amongst them one by Lord Dunraven, and the effect was at once apparent by a change in Mr. Parnell's tactics. These letters have been further followed by an able defence and contradiction of the charges brought by Mr. O'Connor Power, which was written by the Knight of Kerry in the March number of the Nineteenth Century. A still more unanimous and better organized plan of defence was, however, thought necessary, and a committee of the majority of the chief owners of land in Ireland was formed for the purpose of collecting full information to show their habitual dealings with their tenants. The evidence that this committee can produce will probably be brought before the Royal Commissioners on agricultural distress when they hold inquiries into questions relating to agriculture in Ireland. That this evidence will prove a complete and thorough answer to the charges recklessly brought against Irish proprietors, nobody who has any real knowledge of the management of Irish estates can doubt. It is not unreasonable, therefore, to ask Englishmen in general to suspend their judgment, and to accept with the greatest reserve all statements made by the anti-landlord party until the whole case, charge, and refutation, is before their eyes. The subject thus opened up is a comprehensive one, and the evidence to be adduced almost inexhaustible. If I may be allowed to touch lightly upon some of the points contained in it, it must be to endeavour to show, however imperfectly, some of the difficulties to be encountered in Ireland alone, by one who, as an improver, wishes to develop his estate to its fullest extent.

Amongst the many causes which hamper and embarrass an Irish proprietor, none is perhaps more fertile in mischievous results than the doctrine repeatedly instilled into the people, that all their ills are directly to be traced to the system of land tenure imposed by conquest. By this teaching they are led to infer that in the "good old times" the state of the tillers of the soil in Ireland was far happier and better than it now is. Therefore, it is argued, if you get rid of the owners that conquest introduced and maintained, the people will revert to their former happy condition. What

condition that was can be discovered by even a very few references to authentic history. Few real well-wishers of the country could desire its revival, or maintain that the nation has fallen into a state of starvation and misery. In the annals of Ireland, as it was before the English invasion, there is little to be found descriptive of the social and domestic habits of the people. No evidence of national union or national strength can be discovered, while proofs of intestine broils, battles, and feuds are patent in every page. "The ancient condition of the common people of Ireland," says Sir James Ware, "was very little different from slavery."

"We must give little credit to the fanciful pictures of prosperity and happiness in that period of aboriginal independence which the Irish, in their discontent with later times, have been apt to draw. We find by their annals that, out of 200 ancient kings, of whom some brief memorials are recorded, not more than thirty came to a natural death. While, for the later period, the oppression of the Irish chieftains is the constant theme of history. Their exactions kept the peasants in hopeless poverty, their tyranny in perpetual fear. The perpetual warfare of these petty chieftains had given rise to the employment of mercenary troops, partly natives, partly from Scotland, known by the uncouth name of Kerns and Gallowglasses, who proved the scourge of Ireland down to its subjection

by Elizabeth." (Hallam, Const. Hist. of England, vol. iii., ch. 18.)

Three centuries ago Ireland was covered with forests, bogs, and morasses. It had not been reclaimed from that condition by the cattle farmers, who lived and slept with their cows and pigs in dark and noisome dens; whose nationality demanded desolate tracts of pasture land for their cattle to the exclusion of civilized men. Partiality to cattle and a pastoral life was one of their characteristics. Hence, what Spenser observed of them in the sixteenth century "that neither landlords would give, nor tenants take land for any greater term than from year to year or at will." Hence we infer one of their habits, viz., "the landlords there used most shamefully racke their tenants, exacting of them what he pleaseth." (View of State of Ireland.)

These exactions were countenanced, not by English Government or English laws, but formed a part of ancient *Irish* dealings of landlords with their tenants, and were protected by native Irish laws until restrained by a statute in the 10 and 11 Charles I, c. 16, entitled "An Act for the Suppression of Cosherers and Wanderers." "These practices had been borrowed from those native chieftains, whom our modern Hibernians sometimes hold forth as the paternal benefactors of their country." (Hallam, Const. Hist. ch. 18.)

Again, Mr. Froude says: "The Irish when the

Normans took charge of them, were scarcely better than a mob of armed savages. They had no settled industry and no settled habitations, and scarcely a conception of property. The poorspirited and the weak were told off for such wretched tillage as could not be dispensed with. The only occupation considered honourable was fighting and plunder, and each tribe roamed within its own limits, supported either by the pillage of its neighbours or the wild cattle. Their chief characteristics were treachery, thirst for blood, and inveterate detestation of order and rule. To such a people, needing bit and bridle, liberty was only mischievous, and the Normans came to take direction of them. (Froude's English in Ireland, vol. i., ch. 1.)

Macaulay, speaking of Ireland in 1686, says: "The English settlers seem to have been, in knowledge, energy, and perseverance, rather above than below the average level of the population of the mother country. The aboriginal peasantry, on the contrary, were in an almost savage state. They never worked till they felt the sting of hunger. They were content with accommodation inferior to that which, in happier countries, was provided for domestic cattle. Already the potato, a root which can be cultivated with scarcely any art, industry, or capital, and which cannot be long stored, had become the food of the common people." (Hist. of England. vol. ii., ch. 6.) Swift,

again, at a later period, reciting the wishes of the nation, says: "That some effectual methods may be taken to civilize the poorer sort of our natives in all those parts of the kingdom, where the Irish abound, by introducing among them our language and customs, for want of which they live in the utmost ignorance, barbarity, and poverty, giving themselves wholly up to idleness, nastiness, and thievery, to the very great and just reproach of too many landlords." (Letter VII., Draper's Letters.)

Volumes of similar extracts throwing light on "Irish Ideas" when carried out unhindered, could easily be collected. Those who study them can scarcely fail to perceive that many of the characteristics that tended to produce and encourage this state of things still exist. The Irish are, above almost all other people, attached and blindly devoted to old customs and traditions. Unable to discriminate between facts and falsehoods, they are ever ready to listen to those who represent to them their condition as intolerable. Taught to regard all the owners of land in the country as aliens and oppressors, it follows that they must regard all the incidents of that ownership with suspicion and dislike. All improvement and all change must be based on harshness or oppression. It is this utter want of judgment that produces such a fruitful crop of agitators upon Irish soil. It is everlasting agitation that tends to prevent the people striving with industry and

energy to attain real practical good. This is also of no modern origin. We find that Swift complained of the evil done by political agitation. "Few politicians, with all their schemes, are half so useful members of a commonwealth as an honest farmer, who by skilfully draining, fencing, manuring, and planting, hath increased the value of a piece of land, and thereby done a perpetual service to his country, which it is a great controversy whether any of the former ever did since the creation of the world; but no controversy at all that ninety nine in one hundred have done abundance of mischief." (Letter VII.) Incessant agitation from that day to this has been a prominent feature in Irish affairs. It is not to be wondered at that in a country liable to this disease few should be found willing to invest their capital, to promote manufactures, or to embark in any enterprise. That great material progress should have still been effected in spite of the insecurity of life and property, caused by these perpetual eruptions of discontent, is perhaps one of the few hopeful signs of future advancement. The chief material evils of Ireland, want of capital and want of a wealthy middle class engaged in trade and manufacture, such as England possesses, are clearly to be traced to the general insecurity consequent on this never ending agitation. That the elements of prosperity are not wanting is evident. The country possesses harbours, and water power

in abundance, countless wealth might be earned from its fisheries, minerals are not wanting, and in few countries in Europe is a greater supply of labour to be found. Still an excessive population is reduced to support itself exclusively by agriculture, and that of a most backward style. Even a partial failure of the crops is found to produce periodical famines. Clearly since a field for industry exists there must be something in the character and habits of the people to prevent them availing themselves of it. On examination we may see that ignorance and indolence are marked characteristics of the inhabitants.

One who cannot be accused of ignorance of his countrymen was fully aware of this. Bishop Doyle (Pastoral Letter on Tithes, 1832) was found to upbraid them: "Your situation never can or will improve until unceasing industry succeed to idleness; until obedience to the laws and selfrespect become the character of the Irish people. All the laws that ever were enacted would not render an idle or a vicious people rich or happy. And if men become sober and industrious, abstaining from evil and doing good, such a people without almost any aid from law or government would enjoy comfort and happiness." This letter, written nearly fifty years ago, might well be commended to the notice of those who deduce all the evils and poverty of the present day from an oppressive system of land tenure. That the small

farmers of Ireland are as a rule ignorant of their business, can be seen fully shown by the evidence of Professor Baldwin in his Book of Small Farm Management. This book was written for, and specially addressed to, the very class now suffering most from the losses of last season. All through this book he endeavours to point out the losses annually incurred by most Irish farmers through ignorance or carelessness, and the manner in which they are to be remedied. His description of the manure used by them is instructive: (p. 8.)

Again, with regard to sheep, p. 164: "We know excellent sheep pasture, the letting value of which would be 27s 6d an acre, the occupiers of which are satisfied if they keep three sheep and their lambs to the acre." The low price of Irish butter is now frequently put forward as a claim for reduction of rent. We find this price accounted for by Professor Sheldon, in a lecture lately delivered at the Royal Dublin Society's House, when he showed that, "by greater care and skill in management, this butter (now worth 1s per pound) could be made worth 2d per pound more. The farmers of the Cork district alone would thus pocket annually £233,000 more than they do, and the farmers of the whole of Ireland would be benefited to the extent of upwards of £1,000,000 a year." Mr. Baldwin, in the same work before alluded to, corroborates this, and says (p. 143): "We are quite safe in

saying that if the dairy were well managed it would increase the average value of the butter produced at least £1 a cwt., and add to the wealth of the country at least £1,000,000 a year. In this country the ment is frequently kept in a bedroom, or some other apartment equally unsuited to the purpose. When we bear in mind the state of the apartments in which milk, cream, and butter are kept by the small farmers of this country, we need not be surprised at the enormous quantity of inferior butter produced." Again (p. 139): "There are nearly 1,000,000 of milch cows in the possession of small farmers." By proper management he estimates an increase on the produce of these cows on the small holdings of Ireland of not less than £2,000,000 sterling. careless and slovenly tillage usually practised was lately pointed out by the Knight of Kerry in his address to his Valencia tenantry, who demanded an abatement of rent: "You should also ask yourselves if you had it in your power at any time to obtain a substantial abatement without any appeal to your landlord, if you had chosen to devote a reasonable time and effort to the destruction of weeds. It is not too much to say, that we frequently see one-third or more of the produce of a field consisting exclusively of weeds, and you are bound to remember that in such case you are paying one-third of your rent, one-third

of your taxes, and one-third of your labour for weeds and nothing else."

When we consider these descriptions of the management on the average Irish farm, and recollect that out of the whole number of farms in Ireland (about 586,000) 304,628 are of from five to thirty acres, and held by men to whom these descriptions might apply, we can easily perceive at what a disadvantage the Irish owner is placed in respect of the men he has to deal with. The English public seem to believe that it is the fault of an Irish landlord that the tenants and cottiers on his estate are not as comfortable as the farmers and labourers on an estate in England or Scotland. They forget the capital of the English or Scotch farmer, and the skill, and industry, and submission to law both of farmers and labourers, all of which are so signally wanting in Ireland. Take away these elements of comfort, abolish the thriving towns, and distribute an excessive population over country districts, deprive them of diligence and skill, incite them to perpetual disturbance, and then see what an English landlord can do for them. With an estate subdivided into farms, not only minute but often scattered about like squares on a chess board, what must be his most necessary step to improve the condition of his tenants? Surely he must eject and consolidate. Yet for adopting this course he is

denounced by the agitator as an exterminator, he is dogged by the Ribbonmen, cursed by the priest, and mulcted in compensation by a Land Act. If he leave his tenants alone he is accused of being listless, wanting enterprise, and responsible for the miseries of his tenants. Execrated for harshness if he be vigilant, for neglect and carelessness if he be lenient, the position of an Irish landlord is indeed an enviable one. An Irish agent once said, when enumerating the difficulties of managing an estate, "there is one thing you must not do; you must not be what is called an improving landlord, you must not throw farms together, you must not add to your demesne, in short you must not diminish the number or extent of the holdings on your estate." An English Liberal, the late Mr. Senior, after some experience of Ireland, and its ways and ideas regarding the management of land, thus expressed his opinion: "There are three ways of dealing with land in Ireland. One is the laisser-aller system, to take the old rents, submit to the old arrears, and leave the tenants to themselves. It ruins the property, and it degrades the people, but it is the only popular one. Another is to exact as high rents as you can, and to require them to be punctually paid, but subject thereto to let the people treat the land as they like. This conduct is not popular, but it is tolerated. The third course is, to stimulate the tenants by exacting the full value of the land, but to return to the land a large part of those rents in the form of road making, drainage, lime burning, consolidation of farms, building houses, and the introduction of good breeding stock—in short to be an improver. This is not tolerated." (Journals, &c., relating to Ireland, vol. ii., 1868.)

Yet from tenants such as this, averse to all improvement, we are told by "their friends" that wonders are to be expected if they only had security for their improvements. What these improvements are likely to be, those brought into daily contact with Irish peasants, are too painfully aware. We are told that on English estates all the improvements are done by the landlord, whereas in Ireland they are the work of the tenant. It is no doubt true that on many estates tenants have built houses and offices—such as they are—though usually (before the Land Act almost invariably) assisted by the landlord by aid in the shape of slates, timber, or allowances.

A moment's consideration would prove how impossible it would be under existing circumstances for a landlord to do much more. On an English estate, on an average, the farms would be probably of not less extent than 200 acres; on an Irish estate they are too often of less than twenty. So that, where in one country one farmhouse and offices, together with a labourers' cottage or two, would suffice, in the other ten farm houses and offices would be required. It is clear that to build

and maintain all these small farms in a satisfactory state little short of the fee-simple value of the land would be required. The want of security for improvements can however no longer truthfully be urged as, by the Land Act of 1870, full compensation for his improvements can be awarded to an outgoing tenant. So far from being in an inferior position, in this respect the Irish tenant is at an advantage compared with the Englishman. Nor are his legal advantages confined to this alone. In England the tenant pays the whole poor rate. In Ireland he pays only half. In the case of tenancies created since the Land Act, he possesses the same advantage with regard to the county or grand jury cess. Preservation of game is often alleged as a grievance by an English farmer. In Ireland game is comparatively scarce, and it is not long since a measure for the preservation of hares was introduced, which were becoming nearly extinct in some districts. Moreover, the tenant possesses a concurrent right with the landlord to kill game in Ireland, unless the sole right has been specially reserved to the owner by deed or lease. It certainly appears that in some respects the Irish tenant is exceptionally favoured in comparison with his brother in England! Eviction is another well-worn cry. It is greatly to be desired that an accurate return could be obtained of the number of actual evictions carried out in Ireland during the last ten years. Such a return, if properly prepared to show the cause of eviction

in each case, whether for non-payment of rent, subdivision, or other valid reason would, there can be little doubt, show that cases of capricious evictions are extremely rare. It would be also interesting to know in how many cases evictions are carried out, not by landlords, but by tradesmen or money lenders who have obtained power over the tenant. Even if a landlord now wished to evict a tenant without substantial cause, the desire is too costly to be carried into effect, and the compensation might in many cases exceed one-third of the feesimple value of the holding. Nor can it be truthfully said that land in Ireland, as a rule, is too highly rented—on many estates rents have been rarely raised for thirty or forty years. The poor law valuation, which at anti-rent meetings is invariably held to be the highest rent that a tenant ought to pay, all contracts to the contrary notwithstanding, was never intended to be any criterion of the letting value of the land. It was made solely as a basis for taxation, and about 25 per cent. below the fair letting value at that time. It was, moreover, based on a scale of prices of agricultural produce far lower than those which now prevail. As a positive proof of this we find in the valuation reports, published in 1844, that Sir R. Griffith states in the "outline of system of valuation," issued from the Valuation Office in 1844: "In regard to the difference between the valuations of land adopted by me under the Act and the actual

letting value, I have to observe that our valuation is generally about 25 per cent. under the full or high rent value, but very near that of many of the principal landed proprietors of the country. To bring it to a rent value, if one-third be added, the result will give very nearly the full rent value of the land under ordinary proprietors." Since the prices of agricultural produce are now from 20 to 50 per cent. at least higher than they were at the time this valuation was made, the absurdity of claiming abatements on all lend let at rents exceeding that valuation is too apparent. If further proof however were wanting, the evidence of Mr. Lecky can show that "land in Ireland as a matter of fact has never generally been let at the extreme competitive price. Of this fact the great place which the middle men occupy in Irish agrarian history is a decisive proof. The land was chiefly let at moderate rents on long leases. The tenant usually sublet his tenancy, the sub-tenant usually took a similar course, and the same process continued till there were often four or five persons between the landlord and the cultivator of the soil. The peasants, accustomed to the lowest standard of comfort and encouraged by their priests to marry early, multiplied recklessly. Many landlords bound by their leases were unable to interfere with the process of division, while others acquiesced in it through laxity of temper or dread of unpopularity." (Leaders of Irish opinion, Daniel O'Connell.) So far, therefore, from

the custom of rack-renting forming a tangible ground of complaint against the Irish land owner, it would seem that he has rather erred on the side of over indulgence. The effect of this has been to facilitate subdivision and consequent over population, the results of which have been unfortunately but too well known. Want of capital or enterprise cannot fairly be charged against Irish land owners. Immense sums have been borrowed from the Board of Works and spent in improvement of estates, besides much more drawn from private resources. It must also be borne in mind that (according to the evidence of Mr. Nassau Senior) most of this money has been laid out in improvements, not, as in England, with the cordial co-operation of the tenants, but in spite of their opposition and dislike. Absenteeism forms another frequent and in some instances unfortunately a just ground of reproach. Still in this quarter until lately there was a ray of hope. It can be found, on reference to Arthur Young, that a long though incomplete list is furnished by him of the names and rentals of the chief absentees at that time. Out of the sixty-eight names at the head of the list with rentals of £4000 a year and upwards, we find that the representatives of thirty-four with a gross rental of £293,000 are now well known to be constant or frequent residents. Many of these have built residences, and the great majority are now known to be amongst the best and most improving of Irish landlords. Of the remainder of

those returned as absentees, in several instances the estates have been sold, and it is to be presumed that at least a portion has gone to residents. Many of the remainder I am unable to trace. It is idle, however, to expect further improvement in this respect while hatred and violence towards their landlords are inculcated as the primary duties of the patriotic tenant; and while cries of "lead," "lots of lead," "shoot them," are the echoes in response to incendiary platform orators. The foregoing are some of the chief charges usually reiterated with slight variations against the mass of Irish landlords, and fully expatiated upon by the Nationalists during an electoral campaign. The remedies suggested seem to be broadly reduced to two,-reclamation of waste lands by the State, to be parcelled out to small occupiers, and the substitution of peasant proprietors for the present owners. The former subject has been often treated of and by innumerable writers, from Mr. Mill and Mr. Thornton down to Mr. O'Connor Power. Few, however, seem to consider how small a proportion of the 2,000,000 acres of waste, bog, moor, and mountain could be really reclaimed and cultivated at a profit. The great expense of reclamation, even assuming that the purchase from the present owners would cost but little, added to the cost of building farm houses and offices, and of starting the tenant proprietors to be settled there with seed, implements, stock, &c., would be found to be a costly philanthropic experiment. It is, moreover, entirely a mistake to class the bogs as waste land. The turf produced on them is most valuable and necessary for fuel, and the threatened scarcity of that turf, owing to the wet summer, formed during part of the autumn a very grave cause of anxiety.

The latter remedy of a peasant proprietary seems, however, to be the most generally popular, probably because it seems to be the most difficult to realize. Few popular orators have as yet endeavoured to prove why a man, having failed as a tenant, should succeed as a landlord. Nor is it clearer why, after having found it inconvenient to fulfil former engagements, he should be ready and willing to pay the interest on his purchase-money to the State. The subject is one which can hardly be meant for serious discussion. The experiment of peasant proprietors, moreover, is one not totally untried in this country. The condition of peasant proprietors in the parish of Templecrone in Donegal was not long since noticed by a writer in the Edinburgh Review, and the Commons of Ardfert have been lately commented on by the Knight of Kerry. That the state of the small farmers in the poorer districts in Ireland generally would be one bit better if they were the actual owners of their patches of land, nobody can really profess to believe.

Yet it is precisely from these districts that the cry is loudest for relief and for peasant proprietors. In one of his appeals for aid, Mr. Mitchell Henry put prominently forward as a plea, "We have no

landlords in Connemara." What a mockery of Irish ideas to find the absence of landlords pleaded as a reason for assistance, while their existence is equally asserted to be a cause of destitution!

But if proof were wanting as to the absurdity of this cry for peasant proprietors, it is to be found in a remarkable document lately issued. The people of Liverpool resolved, before distributing the funds they had collected or subscribing more, to obtain testimony as to the state of the country from persons upon whom they could rely. They accordingly appointed a deputation, of whom the Rev. Father Nugent was one, to come over and examine. In their report as to the condition of Donegal and the north-western districts, they attribute the misery of the people to the excessive population which has to be supported upon wretched holdings of from three to five acres. They observe, "It is all very well for agitators to abuse landlords and land laws, but if the land were given to the people for nothing, they would be in a worse plight ere long, because the check on the sub-division of their holdings which the landlords now exercise would be withdrawn. In many of the poor districts a man, when asked how much land he holds, says £2 10s or £3 worth. How much further from the brink of starvation would the abolition of rent place him?" That is a pointed and practical question for the advocates of small holdings to answer. The true remedy for the evils which the deputation saw is

also clearly stated. "The foundation of any improvement in the condition of such a population lies in emigration, which would benefit those who left the country and those who remained." From this source alone can we hope for any real improvement. If the number of farms in the country can be reduced so as to afford to those who remain sufficient land to maintain themselves and their families in comfort, then the time for the establishment of peasant proprietors will be near at hand, but attempts to "root" in their holdings a class of occupiers, such as the Liverpool committee describe, can only serve to perpetuate misery and poverty. It seems strange that nobody has yet been found to propose a scheme of emigration assisted by Government. It could not require any very great amount of legislative ability to frame a measure which would enable boards of guardians to offer assistance towards emigration to many of the applicants for relief in distressed districts. Combined with the advantages already offered by the Canadian and one or two other Colonial Governments, in the shape of assisted passages, and free grants of land, many might thus be induced to avail themselves of the opening afforded to them.

Much misconception prevails in Ireland as to the prospects opened to an emigrant, and this, coupled to the tenacity with which an Irish cottier or small farmer clings to his native soil, does much to hinder many from leaving the country. It is not too late to hope that the coming summer may

find numbers who are now in the depth of hopeless poverty, induced to emigrate. The recurrence of another bad season would produce a state of destitution too frightful to contemplate.

But perhaps the most serious evil that could be inflicted on Ireland would be a measure that would help to withdraw her more wealthy and intelligent classes from the island. It is characteristic of the country that while absentees are denounced, and rightly so, measures that must tend to increase absenteeism are loudly demanded. Those districts in Ireland most notorious for the want of resident owners are precisely those where want, outrage, and ignorance are most prevalent. What is really wanted is not an increased number of small farmers or starving cottiers, but a greater number of persons of education and property resident in the country. Men of that class not afraid of unpopularity and able to be good jurors, poor law guardians, and magistrates are urgently required. How a body of peasant proprietors, isolated and unaided by advice, example, or assistance, are to be elevated to that station is a problem hitherto unsolved. It is highly probable if a measure that would enable the present owners to part with their property on fair terms could be devised, that it would be eagerly taken advantage of. In certain districts the country would be left almost entirely to the newly created peasant proprietor. He would be at once grand juror, magistrate, rate collector, poor law guardian and sheriff. The priest would in many instances be the only person in the parish with any education. It would be hard to find a medical man to undertake the care of some districts where there would be no hope of private practice. One person certainly might remain. The local money lender's trade would flourish, and he would soon obtain complete command over the district. Foreclosing of mortgages and evictions would again soon result.

A very slight encouragement to present owners to get rid of their estates might have the effect of producing a general exodus of the intelligence of a whole county. There is little attraction in Ireland to induce those to remain who might leave without serious loss. One of the most discouraging features of the time is the facility with which any adventurer, if his tongue be glib and his promises profuse, can succeed in obtaining the representation of a county. No matter how respected or constant a resident, in spite of a fortune spent for the good of his tenantry and his estate, few candidates with any stake in the country can now expect to be successful in any constituency in the South of Ireland.

The multitude of "carpet baggers" now courting Irish support whose only recommendation consists in letters of introduction from the London Home Rule League, and whose antecedents show them only to have been conspicuous for socialistic or seditious speeches, is a proof of this. How far it will still more tend to discourage those who

have striven and still strive in spite of all opposition to effect real good in the country, remains to be seen. It is, however, certain that amongst the better classes a feeling of disgust and indignation is gaining ground. After bearing for years of turmoil and strife the first brunt of outrage and disaffection, each subsidence of the wave of agrarian violence leaves them only to be harassed by legislation tending to injure them still more. Every concession to clamour and agitation has been made at the expense of those who have proved the most loyal. Every sop thrown to the Irish Cerberus has been wrung from those who alone have made Constitutional Government in Ireland still possible. The comparison of the relative value of life in Ireland and in England is most striking. The murder of an Irish landlord or bailiff is scarcely noticed in a newspaper. A murder in England is commented on by the whole Press. To no class in the country is less protection for life and property afforded than to the Irish landowners. It is certain that no class in the kingdom has been more injured by class legislation. All concessions have been granted directly at their expense. Seventy millions of property were said to have been transferred by the Land Act alone from landlord to tenant. If a few years have effected so much, what wonder, as Mr. Lowther lately said at Kendal, that the demand should still be "give more," and that part having been granted it should be asked "where is the rest." It seems hopeless to expect that Englishmen will

ever recognize the futility of concessions to Irish demands. It is not, however, too much to expect that in common justice a class in one country should not be granted privileges from which a corresponding class in the other is debarred. Because an Irish tenant is poor and ignorant, and too often indolent and disloyal, is he, therefore, to be placed in a position superior to that of the Englishman, who has shown skill, energy, and respect for law? Because the owner in one country has to contend with difficulties and dangers from which in the other he would be exempt, is he to be placed at a still further disadvantage because of those difficulties which he did not create? Because he tries to remove and overcome those difficulties. is he therefore to be still further hampered and discouraged?

Stability and order are the real wants of Ireland. True grievances have been long since redressed. Equal laws firmly administered without favour or affection, and a stern denial of all demands based on injustice and supported by violence, can alone put an end to visions of confiscation. A thorough conviction that from no English party, be it Liberal or Tory, are concessions to be won by menace or violence can alone put an end to strife and agitation. That party which in the future can most effectually and firmly restore confidence and establish a reign of law and order, will surely merit and receive the thanks and gratitude of all Irishmen.

# THE IRISH POLICY

Tax Conservatives or spreading local-cust

#### MR. GLADSTONE'

GOVERNMENT.

## REPLY.

nt causire. A portion of its population the constitutional tie which units It to

PRINTED FOR THE NATIONAL REFORM UNION, [Offices: 46, Brown Street, Manchester,]
By H. SAWYER, 9, Midland Road, Wellingborough.

1882

## THE IRISH POLICY OF Mr. GLADSTONE'S GOVERNMENT.

The Conservatives are spreading broad-cast over the country copies of Lord Beaconsfield's letter to the Duke of Marlborough, which appeared on the eve of the last General Election. That Manifesto contains a paragraph upon the condition of Ireland, which his followers consider is a proof of the extraordinary political prescience of their late leader. The public is asked to believe that Lord Beaconsfield foresaw the danger which threatened Ireland, but that the Liberal Government were too infatuated to take his warning, and consequently evils which might have been avoided have fallen upon that devoted country. It is our intention to examine that section of the Manifesto in which reference is made to Ireland, in order to ascertain whether the claim for political sagacity is deserved.

The following is the paragraph to which public attentions.

The following is the paragraph to which public attention has been directed:—"Nevertheless, a danger, in its ultimate results scarcely less disastrous than pestilence and famine, and which now engages your Excellency's anxious attention, distracts that country. A portion of its population is attempting to sever the constitutional tie which unites it to Great Britain in that bond which has favoured the power and prosperity of

both."

We remark in passing, that if the above description of the condition of Ireland after six years of Conservative rule be correct, then a more damaging comment upon the Irish policy of the late Government could not be made. It is our object however to inquire how far the events of the last two years

have justified LORD BEACONSFIELD'S political foresight.

Ireland has been subject to a danger hardly "less disastrous than pestilence and famine,"-so far the prediction has been fulfilled, but no further. During the last two years the country has been the prey of an agrarian agitation; but of any trouble arising from the land system, the Manifesto contained not a word. Ireland has during that period been the arena of a terrible struggle between landlord and tenant; but of that impending struggle Lord Beaconsfield gave not a hint. Ireland has been distracted by a social revolution of a most desperate character; but of danger to be apprehended of this kind the Manifesto sounded no warning note. Lord Beaconsfield dreaded the machinations of those who desired legislative independence for Ireland, but his fears so far have not been realised; the Home Rule organisation has disappeared, and the Land League has taken its place. The prescience of that celebrated letter falls to the ground when subjected to the test of indisputable facts. The evil which LORD BEACONSFIELD predicted has not come to pass, while a danger to which he

nade no reference has developed in an extraordinary degree. f the Liberals had followed the guidance of the late Prime finister, then attention would have been diverted from a real anger to an imaginary one. Lord Beaconsfield can have had o adequate idea of the incendiary forces at work in Ireland. r he would have applied to Parliament for the renewal of the eace Preservation Act. Moreover, we have his official statement naking light of the apprehensions expressed during a debate in ne Upper House. On the 15th of March, 1880, (a few days fter LORD BEACONSFIELD issued his Manifesto), LORD ORANMORE ndeavoured to rouse the then Government to a sense of the dangerus condition of Ireland with respect to social questions; Lord SEACONSFIELD who replied to him, said that it was the imression of the Government "that the excitment to which the oble lord refers—these monster meetings to prevent the paynent of rent-are rather subsiding than on the increase," and e added that under the circumstances it would be "very nnecessary and a very indiscreet thing to come down to Pariament and to ask it to increase the power of repression." And our days afterwards Mr. JAMES LOWTHER (Conservative Chief secretary for Ireland) said, in a speech at York, that he was appy to think that no necessity for such a course was at resent likely to arise.

So it appears, that while the late Premier warned the ountry of a storm which he thought was blowing up from one lirection, a storm which he did not foresee blew with dangerous nergy from the opposite point of the compass. So much for

he boasted prescience of Lord Beaconsfield.

After Mr. GLADSTONE had been a few weeks in office he became aware that forces of a destructive character were at work in Ireland. He pronounced the country to be "within a neasurable distance of civil war," and implored the Legislature to pass temporary Bill (the Compensation for Disturbance Bill) which should enable the Executive to weather the storm until a complete measure of land reform could be prepared. The Bill was passed by the House of Commons and was then sent to the House of Lords, where the debate upon it came on in the first week of August 1880. LORD CAIRNS (the Lord Chancellor during the Beaconsfield Administration) contended that the emergency which the Bill was intended to deal with did not exist. But there was present an authority greater than the ex-Lord Chancellor, a man gifted, as his supporters believed, with more than ordinary sagacity—Lord Beaconsfield himself. He said "We are told, and we are told by an authority that cannot be well exceeded, that this measure.....is brought forward in consequence of the fear which the Government have that if not passed we shall have, perhaps, to encounter civil war in Ireland.......It is a very strange thing that......we have no evidence of this desperate state of things." This same authority had warned the country only five months before that there existed in Ireland, "a danger in its ultimate results scarcely less disastrous than pestilence and famine." Which statement of Lord Beaconsfield are we to accept as containing his real views, or are we to suppose that in the course of those few months the danger to which attention had been called in the Manifesto had ceased to exist? What had happened in that interval to allay his anxiety? Simply that a Liberal

Government had taken the place of his own.

The Conservatives are not content with imputing to the Liberal Government gross neglect in not attending to the alleged warning of LORD BEACONSFIELD, but they go the length of laying to their charge the guilt of permitting, or even of encouraging outrages. In the presence of a social revolution in Ireland party recriminations are out of place, but since an accusation of so serious a character has been made against responsible statesmen, we are bound to meet it, or by silence appear to give consent. To clear the ground of all irrelevant matter it is necessary to notice that the deplorable condition of Ireland is in part due to causes beyond the control of any government; but so far as human responsibility is concerned, an examination of facts which are within easy reach will indicate which party is most to blame for the present state of the country. Each Administration is responsible for the condition of Ireland at the close of its term of office. It is therefore only necessary to ascertain whether the country was most disaffected at the end of the Liberal or Conservative régime. The Liberals were in power from 1868 to 1874, the Conservatives from 1874 to 1880. A comparison of the condition of Ireland during these respective periods will assist us in deciding how to apportion the blame.

When the Liberals came into office in 1868, the state of Ireland was such as to cause the greatest anxiety. Fenianism had spread its organization throughout the country, and its presence in England was made manifest by the attack upon Chester Castle, and the attempt to blow up Clerkenwell Prison. The existence of an alien Established Church kept alive a continual agitation, and gave rise to a bitter antagonism on the part of the Catholic population. The character of the land laws was such that the Irish cottiers, who formed the bulk of the population, were cruelly oppressed by unscrupulous landlords. The dangerous condition of the country is shown by the fact that in 1870 agrarian outrages reached the figure

of 1329.

Such was the situation in Ireland when Mr. Gladstone undertook the reins of power in 1868. What was the aspect of affairs when he resigned in 1874? Fenianism was almost

forgotten, and agrarian outrages had sunk to 213. With disestablishment, the rancour which for centuries had embittered the Catholic against the Protestant population ceased, and has not since shown itself. During an agitation of a most violent character the Episcopal Church has been free from attack, and there is not a single case of an outrage being connected with the religious opinions of the victim. Lord F. Cavendish was not murdered because of the Protestant faith, and Mr. Burke's Catholicism did not save him from assassination. In further support of the statement that sectarianism is dead we have the remarkable fact that the leader of the Irish party (Mr. Parnell), who is almost worshipped by the Catholic population, is a Protestant. Nor has the Episcopal Church suffered, for, according to the statement of its friends, its spiritual life has been quickened, and its financial condition is, under the present circumstances of Ireland, encouraging.

For a statement as to the serious change for the worse which Ireland presented when the Conservatives left office in 1880, I will again quote Lord Beaconsfield. In his letter to the Duke of Marlborough, to which reference has been made, he described the gravity of the position of affairs there in the following language, "Nevertheless, a danger, in its ultimate results scarcely less dangerous than pestilence and famine, and which now engages your Excellency's anxious attention, distracts that country." To which party must the responsibility for this serious condition be referred? Surely to the party in power at

the time, namely, the Conservatives.

When the Liberals left office in 1874, Ireland was contented and prosperous and agitation had sunk to a minimum When the Liberals returned to power in 1880, the country was, according to Lord Beaconsfield, in a most perilous condition. Under the régime of the Conservative Government, the Land League was formed—Mr. J. Lowther was the nurse which sat by its cradle; before they left office it had held 200 meetings, and had planted its roots firmly in the minds of the people. Its avowed purpose was the same in 1879 as in 1881. While agrarian outrages decreased under a Liberal Government from 1329 to 213, under a Conservative Administration they increased from that figure to 870 in 1879.

We are entitled to ask the question, why Lord Beaconsfield did not (while in office) take precautions to prevent the growth of a power, which in his opinion, was in its ultimate issues, hardly less to be dreaded than famine and pestilence?

Another change for the worse which grew up under LORD BEACONSFIELD'S Government was the foundation of an irreconcilable Irish party in the House of Commons. When the Liberals quitted office in 1874 the Home Rule party was under the

leadership of a moderate statesman—the late Mr. Butt, and obstruction by the Irish Members was unknown. Now they are avowedly opposed to the assembly in which they sit, and anxious to bring discredit upon Her Majesty's Government; while before the Conservatives left office obstruction had been so organized that the Land League was predominant in the House.

Evidence has been brought forward to prove the following

points, viz :-

1. When the Liberals left office in 1874, Ireland was contented and prosperous.

2. When the Conservatives left office in 1880, the country

was in a condition of great peril.

3. The Land League arrived at maturity during the period of

Conservative Administration.

We may further add that the rapid growth of the Land League was in a great measure due to the neglect of Irish questions by Lord Beaconsfield.

Mr. Shaw (one of the most moderate and sensible of the Irish members) in his Manifesto issued on the eve of the general election, made this charge against the Conservative Government. "There has been no Ministry," he wrote, "within my memory, by which less has been done for the improvement and content of the people of Ireland."

In 1877 a Commission was appointed to inquire into the failure of the Bright clauses of the Land Act of 1870. The Commission, as the result of their investigation, recommended certain amendments. The House supported the recommendation, but the Conservative Government refused to move. Reforms which would have satisfied the Irish in 1877, were all too small in 1880.

One further charge has been brought against the present

Government which remains to be disposed of.

It is that they encouraged agitation, when they might have suppressed it, and passed a measure of spoliation that was

not justified by the existence of any genuine grievance.

The charge that the Liberals encouraged agitation is based upon the fact that the Government did not suppress the Land League organization during the year 1880. The blame, if any, must rest upon the late Ministry, because by the sudden dissolution of Parliament a renewal of the Peace Preservation Act was made impossible, and consequently the Government was obliged to rely upon ordinary law. In answer to the contention that they ought to have called an autumn session for the purpose of passing a Coercion Bill, our reply is four-fold :-

1. The Government desired to use to the uttermost the ordinary

law, before resorting to exceptional legislation.

2. The agitation of the Land League was based upon the existence of a real grievance. To have applied Coercion without removing the just cause of complaint would have aggravated the evil.

3. If the land laws were used as engines of oppression by some landlords, the Liberal Government could not consistently with their principles have invoked the whole force of the Empire to

compel the payment of unjust rents.

4. In 1880 the sense of the country was opposed to increasing the power of the Executive of Ireland, consequently, if a Coercion Bill had been brought forward and carried in the autumn of that year, it would have lacked the force of public opinion behind it, which was essential to its success.

The only question that remains to be discussed, in order to make our defence complete, is whether the land grievance was real or imaginary. On this point it is worth while to note the fact that at the last General Election nearly all the Irish representatives, including the Conservatives, were returned pledged to support a reform of the land laws. Out of 25 Conservative Irish Members, 13 voted

for the second reading of the Land Bill of 1881.

A Commission appointed by the late Conservative Government to enquire into the causes of Agricultural Depression, reported upon Ireland as follows: "Bearing in mind the system by which "the improvements and equipments of a farm are very generally "the work of the tenant, and the fact that a yearly tenant was "at any time liable to have his rent raised by the increased value given to his holding by the expenditure of his own capital and "labour, legislative interference to protect him from an arbitrary increase of rent does not seem unnatural, and we are inclined to think that by the majority of landowners a measure properly "framed to accomplish this object will not be objected to."

Mr. Kavanagh and Mr. M'Naghten, two supporters of the Conservative party, also recognised the defects of the land system; as Irishmen they are qualified to speak, and as Conservatives they cannot be suspected of any leaning towards the present

Government.

This evidence disposes of the contention that no grievance existed in Ireland. The revelations of the Land Courts have placed beyond doubt the exorbitant rept exacted in many cases.

The Government have an exceedingly difficult task to perform, attacked as they are, on the one side by incorrigible Land Leaguers, and on the other by bitter Conservatives nothing loath to form an alliance with the former for the purpose of harassing Mr. Gladstone. The situation is made more critical by the wholesale evictions now going on, which for the first six months of this year (1882) reached the total of 3049 inclusive of those re-admitted as caretakers.

It behoves every citizen to examine the conduct of the Government under circumstances of almost unparalleled difficulty, and he will hardly fail to come to the conclusion, that the present Ministry have acted with wisdom, patience, and firmness, and deserve the gratitude and support of the country.

### LORD HARTINGTON

4. In 1889 the sense of the construction of apposed to increasing the power of the Executive of Ireland, consequently, it a Coercion Bill had been brought forward and carried in the antonio of

on the

### Alleged Foresight of Lord Beaconsfield.

In a speech at Blackburn, November 28th 1881, Lord Hartington describing the state of things in Ireland at the close of the last Parliament, said:—"Lord Beaconsfield had acknowledged the gravity of the situation, although in my opinion he either mistook or he ignored its real character. Lord Beaconsfield, you will remember said that a danger worse than that of pestilence or famine menaced that country. In my opinion Lord Beaconsfield, in his anxiety to raise a good electioneering cry, and to identify his opponents with an unpopular policy, exaggerated in that manifesto the importance of the Home Rule agitation. While he was either ignorant or felt himself powerless to meet it, he ignored that far more dangerous system of agrarian outrage."

### LETTERS ON IRELAND

TO

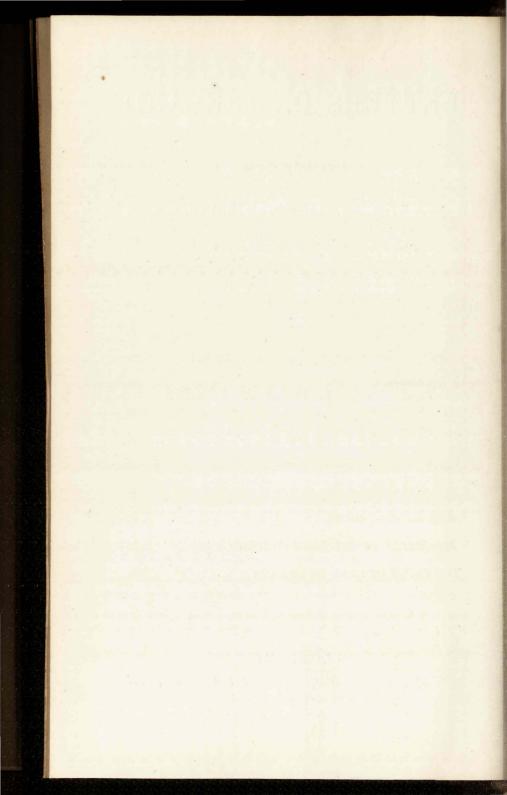
'THE ST. JAMES'S GAZETTE.'

1881-82-83.

BY

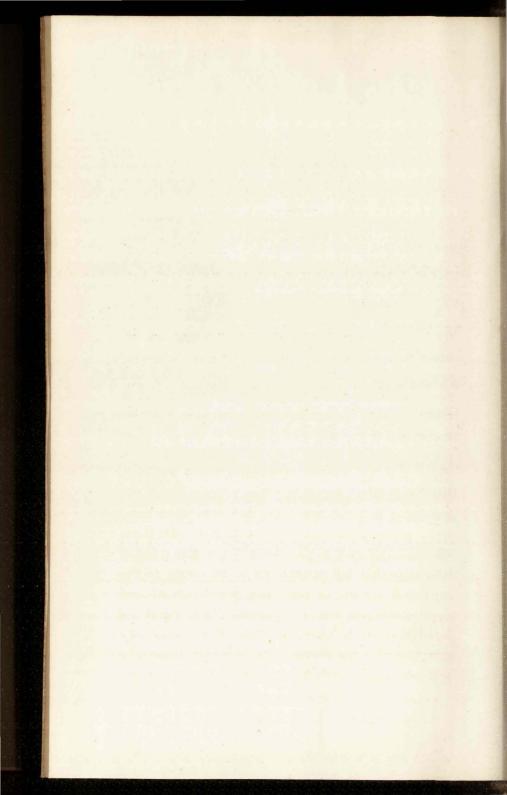
THE HON. LEOPOLD AGAR-ELLIS.

LONDON:
EDWARD STANFORD, 55, CHARING CROSS, S.W.
1883.



#### CONTENTS.

NOSTRUMS FOR IRISH MALADIES			 PAGE 5
MODERATE LIBERALS AND THE LAND	BILL		 14
WHAT OUGHT THE LORDS TO DO?			 16
THE WORKING OF THE LAND BILL			 19
SOME FIGURES FROM A QUIET IRISH C	OUNT	Y	 20
A SUGGESTION			 21
IRELAND IMPROVED			 22
THE TRUE REMEDY FOR IRELAND			 26
REPORT OF OFFICIAL VALUATORS		.,	 27
THE SENTENCE ON MR. GRAY			 28
NURSING IRISH CRIME			 30
THE JUSTICE OF THE LAND COMMISSION	ON		 33
THE VALUE OF LAND IN IRELAND			 34



#### LETTERS ON IRELAND.

#### NOSTRUMS FOR IRISH MALADIES.

Gowran, county Kilkenny.

SIR,—However much or little wanted, whether for good or evil, we are in for a Government Irish Land Bill. It may be well, before the clash of party occurs, to survey the ground, and to try and find out what is feasible and what desirable. It is useless now to inquire whether the present agitation arises from natural or factitious causes. present state of affairs may be summed up thus: There are two classes of tenants, those who can and those who cannot pay their rents; and the first class may be again divided into those who wish and those who do not wish to pay. Of those who can and wish to pay there is a certain number who have not the courage to do so, owing to the organised system of terrorism which has spread over three-quarters of Ireland. The object of legislation will be to enable those who cannot pay now to pay in the future; and to induce those who will not pay now to meet honestly their engagements in coming years. This can be done in only two ways-either by reducing the rent or by giving advantages to the tenant that he does not at present possess. There is a third way of dealing with those who can but who will not paynamely, by enforcing the law; but I discard that at once as vulgar and obsolete. I may at once dispose of a very large portion of the class which cannot pay: I mean that portion which would not exist in tolerable comfort even if the fee-simple were given them—the redundant population of the south and west. This is the class which has mainly caused the present outcry for legislation; and unless a large sum is available from time to time when crops fail and the elements are unpropitious, there is only one way of dealing with iti. e. emigration. Mr. Bright may be eloquent and generous; but he can no more make these people flourishing proprietors than he can make a sapless twig take root by sticking it into the soil. We know by experience what will happen in very few years—subdivision, misery, famine, and pestilence. Perhaps the chief cause of mischief and creator of the class which cannot pay is the land-hunger of sanguine and ignorant men. Everybody in this country is a heaven-born farmer; knowledge and capital never being considered necessary. unwise provision of the 1870 Land Act prohibits freedom of contract. It is not every one who feels

justified in granting a thirty-one years' lease; and no one out of a lunatic asylum would grant such a lease to those who hold but a few acres—say, under ten. Of these there are a vast number. I confess that I see but little to be done equitably beyond removing the veto on freedom of contract, and establishing a large system of emigration.

It is verbiage to reiterate that there are bad landlords in Ireland. Of course there are, as there are bad men everywhere, in every class. But that is no reason why a bad law should be passed; and there is much danger that English and Scotch members, at their wits' end, and eager to get rid of the Irish question, may accept any plausible measure that is laid before them. If Ireland is troubled with needy and bad landlords and land-jobbers who screw their tenants with rack-rents, and who take advantage of tenants' improvements and from time to time raise the rents—the tenants preferring to submit rather than leave the land—the remedy is simple. The tenant should not make the improvements without having previously made a contract with his landlord. No error is greater than the one fostered by writers imperfectly informed about this countrythat the Irish tenant, contrary to the rule in England, does all the improvements and builds all the tenements. I do not know if the correct statistic exists of how much of the permanent

improvements in the south and east of Ireland has been done during the last twenty-five years by the landlords; but if it were known in England, it would astonish those who have formed their opinion from the common run of popular writers. And this also ought to be borne in mind—that the rent in Ireland, on the average per acre, would be low according to English ideas, even if it were paid on the English acre. As a fact, it is paid on the Irish acre, which is about five-eighths bigger than the English one.

Now what are the various schemes, or rather the lines on which the different schemes are framed? There is Mr. Parnell's expropriation of landlords, which, I suppose, need not be seriously discussed. Next there is a scheme for buying out the landlords by the Government, which might be discussed till the sum required were mentioned. when common-sense would step in and dispel the fallacy. Another way of dealing with landlords is worthy of the country—to impose a tax on absentees—and this proposal comes from the Land Leaguers, who also advocate the shooting of the resident landlords. Scarcely logical this. I should like to see a tax levied on absentee landlords, but I do not see how it could be managed. Then we have the three F's, or rather two F's: because unless fixity of tenure means possession with or without a rent, it depends on a fair rent, and a

fair rent means nothing unless it carries with it fixity of tenure. The two together mean that a tribunal—whether a Government board or arbitrators called in-should decide either for ever or from time to time what the maximum rent shall be, and that as long as the tenant pays that rent he shall be irremovable. Now a thing is worth what it will fetch in the open market. Its value will vary from time to time, and it is the giveand-take between landlord and tenant that enables the farmer to pull through during bad seasons. One great difficulty at starting would be the revaluation, for of course so old a valuation as Griffith's could not be taken as the starting-point. How are landlords and tenants' improvements to be ascertained, whether made jointly or separately? I am quite sure that landlords have nothing to fear from a revaluation, and I am equally certain that if it is proposed, whether for information or as a maximum rent to be paid by tenants, it will be bitterly opposed by the Land Leaguers. Take an example of the working of fair rent or the maximum rent fixed by law. This rent will not be a high one. A farm becomes vacant, and there are many applications at and under the fair rent fixed by law; but it is possible that a man who has by industry and thrift put some money together is willing to give a higher rent. This man happens to be the best farmer and steadiest

man of the lot; but the law forbids his offer being taken, and he must run the gauntlet of public competition. He may get the farm or he may not; but the principle is established that the best man shall not necessarily have the pick of the This is the man every other country market. would encourage to the utmost: industry and intelligence, with their accompanying capital, should always have free play in every market. The third F-free sale-is a sale of property that does not belong to the sellers. The tenant's improvements are protected already by the 1870 Therefore the tenant has nothing to sell: and you must create a property for him if the third F is to have any meaning, and I need not say at whose expense. But I consider the robbery the minor evil; the major one would be the stop put to all landlords' improvements. The landlord would have to close his purse; he would have no interest in his tenants or their holdings. The only care he would have would be to see that the incoming tenant could pay the arrears, if any, and was likely to pay his rent in the future. I cannot imagine a greater encouragement to absenteeism. As long as I remember, good landlords have been striving to abolish the old system and to establish the English custom of building the farmers' houses and making the permanent improvements. With the third F established, good-bye to all this. But

the two first F's have been tried for generations on many estates. On the estate that I know best fixity of tenure and fair rents are, and have been for generations, the rule, and with what result? This year, after the best harvest known for forty years, the rents are worse paid than last, and this on a rental that does not exceed on an average Griffith's valuation.

Ulster custom—whose name is legion, varying with counties, baronies, parishes, and even estates —seems to be the popular method of dealing with the land question. There is something very taking in the idea. Ulster is the most peaceable province of the four; some of the provisions of the custom are practically conceded by many good landlords in other parts of Ireland, and the Government law officers are strongly suspected of favouring it. Agents of course like it. Their duties will be greatly lightened. Then, if it is worth anything, it is because it conveys to the tenant a property he does not now possess. In fact it is a bribe to induce him to behave decently for at all events the immediate future. Then, though the property must be taken from somebody, that person is only an Irish landlord. Then, again, the landlord in desperation may accept the scheme with very little or no compensation. But will that make the proceeding one whit more just? Ulster tenant-right as far as can be ascertained

arose out of a system of sale and purchase; but, however that may be, the present holders have inherited from those who purchased or are themselves purchasers. They are therefore poorer by the purchase-money. What an incoming tenant in England employs on the cultivation of his farm is here expended before a plough is put into the land. And is the land so much better tilled in Ulster than elsewhere in Ireland? I doubt it; and are there not surrounding circumstances which will account for the peace and prosperity in the north? I aim at something higher and better than the state of things in the north. I hope to see real good farming, real good homesteads, and real comfort to both farmers and labourers such as Ulster tenant-right never can bring. Fixity of tenure, or Ulster custom, means in the south stagnation—no improvement. There are in the south as good tenants as any in the United Kingdom, but the common run of men would scratch the land sufficiently to pay their way and no more. It is an old axiom in farming that low rents make bad farmers, and it is nowhere more true than in the south of Ireland.

I have said nothing about a most necessary measure—the one for freeing land in some degree from the trammels of settlement and entail, as that is an imperial question, affecting the United Kingdom, and one certain, I presume, to be dealt with immediately. And what I have said is very negative, I am afraid! and will be very unpalatable to those who wish to be up and doing. It is better to do nothing than to do harm. I do not wish to mix up the present state of Ireland with the coming Land Bill; but this much I must say—that real prosperity can never revisit these shores till capital again flows to this side of the Channel. I will give one instance of the feeling of moneyed men at present. The sum of 5000l. was required to be raised on a property in Chancery worth 2000l. per annum as a first mortgage. The bargain had been struck, but a short time since the lender drew back and declared he would rather face any penalty than lend the money.

In legislating on this vexed question, statesmen would strive to give an incentive to progress. Placemen will do that which will most easily enable them to tide over the difficulty of the moment. I pray that wise counsels may inspire the House of Commons, and say with all my heart—God save Ireland in this her great distress!

Printed February 14th, 1881.

# MODERATE LIBERALS AND THE LAND BILL.

May 14th, 1881.

SIR,—There is a portion of the Liberal party, composed not only of old Whigs but of steady thinking men who have made their fortunes and their positions by their brains, which seems forgetful of their great deeds in the past and of their grave responsibility at the present—that middle-piece in the political world which turned out Mr. Gladstone in 1874 and deprived Lord Beaconsfield of power in 1880-men who are not governed by hysteria or ruled by the Government whip. By all accounts they are to be herded into the lobby on the second reading of the Land Bill with the Land Leaguers, having satisfied themselves that, however great the wrong embodied in the Bill, it will do some good because something must be done. But who tells them this? The Government and the Land Leaguers are scarcely impartial judges. Any honest Irishman will tell them that the Bill, even passed in its entirety, will not only do no good to Ireland, but will not check the present agitation: nay, will probably increase it.

Mr. Forster at Bradford has, more suo, strung together some light-hearted assertions, and challenges Mr. Gibson and others to contradict him,

when he says that the Government did all they could last winter to maintain the law, and that they have worked the Coercion Act honestly and to the utmost. I think the challenge will be accepted. Mr. Forster, whose knowledge of fires is probably limited, does not know that the first water thrown on fire makes the flames more fierce: it is only by a continuous stream that the fire can be extinguished. The first stage is that of Ireland at present. Every one there feels that the Government mean the Coercion Act to be a farce, and none know this better than the Land League. The collusion between the Government and the Land Leagueis now apparent to the blindest. The voice. tardy indeed, of the country forced the Coercion Act on the Government; but they had their revenge and allowed the Land League to draft the Land Bill, all the time telling their Whig friends that the Bill would be of the mildest. When I wrote the foregoing Mr. Shaw had not spoken. It is remarkable that he should be the only person outside the Government who has declared himself capable of understanding the Bill.

What Ireland wants is, not fussy legislation culminating in a communistic measure, but the iron hand with velvet touch guided by justice. There are good laws enough in Ireland if they are only properly administered. No patient was ever cured by the wrong physic. The patient may baffle both

disease and wrong physic, but he will not have done so by means of the physic. Burn the Bill and send a man to Ireland, and I will answer for a quiet winter.

#### WHAT OUGHT THE LORDS TO DO?

July 27th, 1881.

SIR,—On the answer to this question may hang the very existence of many and the future welfare of Ireland. It is a political axiom, I may assume, that where the will of the nation is decided, and that the country is in earnest about any measure that the Commons may have passed, the Lords are bound to follow suit.

Is this the state of affairs now? Is the country in earnest about the Irish Land Bill? No. Does the country care about the Land Bill, and will it resent the throwing out of the Bill? I again say No. This is merely an opinion; but it is not a singular one. In my time I remember only two cases which bear at all upon the present one. The first is the Paper Bill, which I venture to think was most improperly thrown out by the House of Lords: improperly because it was a money Bill. But in those days the First Minister was a statesman, and he took his defeat with his usual good humour, and brought the Bill in again

next year, when of course my lords passed it. The second case is that of the Irish Church and Land Bills. In that case a Parliament was elected on that cry, and a majority returned for the special purpose of passing these Bills. Then the Lords passed the Bills at the first time of asking.

The present is not a money Bill; and on that score its rejection cannot be objected to. I cannot see any good reason why it should not share the fate of the Paper Bill. If it is insisted upon by the country, there will be time in the recess for the country to make its wishes known, and the Bill can be re-introduced next session. Many may think that if this Bill is passed there will be no Irish question next year. They must be very credulous. As long as Mr. Gladstone is in power the Irish members will squeeze him either by flattery or another winter campaign under Land League generalship. He has told them in Midlothian how to do it; and they are apt scholars.

I presume no one will contend that this Parliament was elected on a Land League cry, and that it can be said to be bound by hustings pledges to pass a Land Bill. And if so, why should the Lords turn Communists? The only answer I can hear is that it would never do to throw out a session's work in the Commons. I think a truer answer would be that it will not do to wound the vanity of the Prime Minister; because in that event there is no knowing what he might or

might not do. There is a schoolboy saying-"He cannot eat us;" and I hope my lords will remember it. He could go to the country on a combined cry of "Irish Land Bill, and down with the Lords!" I do not like to prophesy, particularly in politics. But I think this is certain —that Mr. Gladstone has no idea of jeopardising his position as a minister; and a general election does not always answer the expectations of the dissolver. Resignation would be still more "untoward." Mr. Gladstone has always held that nobody could be happy or prosperous in this country if he was out of office. I do not know if he shares the belief of most men who are supposed to know something about the feeling of the constituencies; but I have heard that at least one Radical supporter has told him that in the event of a dissolution he must lose votes. Then comes the question of how many. Depend upon it, the last thing Mr. Gladstone will do is to resign or dissolve; and if so, what can the Lords fear? He won't eat them; and are they so terrified at the thoughts of a shrewish nagging that they will break those immutable laws that Mr. Gladstone thinks he can relegate to Jupiter and Saturn in a sentence?

This session's work is the result of the state of political "must" in which Mr. Gladstone exists; and on the altar of one man's vanity the well-being of Ireland is to be sacrificed.

#### THE WORKING OF THE LAND BILL.

November 14th, 1881.

SIR,—Sir Henry James's fallacies at Bristol. where he tried to shift the responsibility of passing the Land Bill from the shoulders of Government to those of thirteen Ulster Tory M.P.'s and the House of Lords, are only worthy of notice because he is a member of the Government. I agree with those who think that the Ulster Tory members are very much to blame in preferring their seats in Parliament to the welfare of their country. There is, however, this excuse for those landlords who said "Pass some Bill for Goodness' sake"that they accompanied this request with a reason which her Majesty's Government forget to repeat. They said to members of the House of Commons: "Pass some Bill; for if you do not, we shall have the Government against us during the coming winter as they were during the last one, and our lives will not be worth a week's purchase after the short days have set in." This is within my knowledge, and, I believe, in that of any Irishman who takes an interest in the matter. Of course, the Government complacently boast of the support they got from Irish landlords; but they do not describe the reign of terror that they not only permitted but fostered up to the arrest of Mr.

Parnell. Landlords whose little all was in Irish land could not leave the country, and were in utter despair at the hopelessness of their position. They had nothing to do but to make terms. I am sorry to say that I do not think the Irish landlords stuck to their guns; but I am bound at the same time to say that men were never so sorely tried; and, however that may be, it will take more than the Attorney-General's legal ability to get rid of the responsibility of passing a measure which will daily be better understood and more disliked.

# SOME FIGURES FROM A QUIET IRISH COUNTY.

Kilkenny, November 28th, 1881.

SIR,—As is his wont at this time of the year, the agent for one of the big estates in this county went lately to a small county town to receive the rents of an outlying property. He put up, as usual, at the hotel in the town. The tenants unanimously refused to pay any rent, as the hotel was Boycotted. To test the truth of this excise, he this week went to the house of one of the principal farmers on the spot, after giving due notice of his intention. The tenants arrived, headed

by their priests, and demanded an abatement of 25 per cent. The estate is let at about 4 per cent. below Griffith's, as the following statement will show:—Acreage, 2160 Irish = about 3500 English; rental, 1671*l*. 10s.; Griffith's valuation, 1740*l*. 15s. The agent naturally refused to comply with their request, and came back empty-handed for the second time.

#### A SUGGESTION.

December 14th, 1881.

SIR,—Is it worth suggesting to the Mansion House Property Defence Association that a good first use of their incoming funds would be to despatch a valuer from one of the great London valuing firms to value some of the farms in Ireland on which judicial rents have been fixed by the Sub-Commissioners? Let him, or them if better, have a form supplied with the required information indicated: No. of Irish acres; ditto English; value of land per English acre at present; value of same if properly tilled and drained; value of buildings; and, as far as can be ascertained, value of permanent improvements. There may be other items; but let the return be as simple and intelligible as possible. The Irish sister society would suggest what farms should be surveyed.

I would give one bit of advice to the valuers—namely, to tell no one on the spot what their errand was, at all events till after they had been over the land. I think I could promise some startling revelations.

#### IRELAND IMPROVED.

March 31st, 1882.

SIR,—I was very curious to see and inquire into, after three months' absence, the improved state of Ireland: for improved it must be, as Mr. Forster has told us so. Mr. Forster is more fortunate than other mortals, for he has only to converse with the inhabitants of this country and he immediately discovers the truth. With your permission I will state what I believe to be the real state of the country, at all events in some particulars. Quite rightly, the payment of rent is taken as a test of law-abiding. Mr. Forster says rents are better paid than they were, and therefore the country is said to be more peaceful and the neck of the agitation broken. Granted more rents have been paid; but at what expense of money and force? Every one here knows that it has been in most cases a surgical operation to get the rents at all. It would be a startling statistic, the return of the

rents said to be and those actually paid. There are few estates where some considerable reduction has not been made under the head of allowances if not under that of percentage. All these reductions will be put forward to induce the Commissioners to permanently lower the rentals. This is bad enough; but how will the people of the country take this wholesale reduction of rents after the best harvest known for years. For once they will be grateful, and to whom?-the Land League, who have enforced to a certain extent their No Rent policy. They have not abolished rents, but they have gone some way towards it; and they will promise the people that they will get them a further reduction afterwards, if they will only follow their advice. Looking back at the last two years, can there be a doubt of which is the best to follow-the victorious Land League, which can point to its successes in legislation in England and to its acknowledged rule in Ireland, or this weak, vacillating Government, which blows hot and cold alternately. It is this vacillation which makes it impossible for the present Government to restore law and order over here. The people believe, and I agree with them, that the Government are not in earnest when they say they wish to restore peace to this country. They believe that they have only to persuade Mr. Gladstone that it is to his interest to pass any measure, even Home Rule,

and pass that measure he will, if he can. They will quote his last Home Rule speech to prove this, and no explaining away will have any effect on their minds. A growing evil at the present moment is the irreligion of the country. The Pope may make an Irish cardinal, and Mr. Gladstone may found a diplomatic mission at the Vatican; but priest-rule, which has been the outward sign of the Irishman's faith for many a long day, is on the wane. The priest is powerful only when going with the stream. If Ireland were polled, it is Croke and not McCabe who would be cardinal; and I do not feel sure that that much-praised pastoral will not get the brand-new cardinal Boycotted. I know of more than one instance of recent date where the influence of a Protestant landlord or agent has been sought in order to induce Roman Catholic parishioners to give consent to the wishes of their own priests. A new school of doctrine is now taking possession of the people, whose teaching is being spread by the very action of the Government. Amongst the imprisoned suspects are men who are working day and night to instil into their fellows Fenian or Nihilistic principles. They say the time is past for the ordinary modes of procedure: dynamite is the true and only method. Imagine the effect of this teaching on men sore in mind; and think what sort of a crusade will be preached by those let out of gaol

now and hereafter. They may go into prison heedless fools: they will come out trained Nihilists; and, judging by the past, they will not confine their operations to this country. I am not saying this at random; and I warn the Government to look out. These are some of the sad stories I have heard, and some of the opinions I have formed. The former are, I know, true; and the latter I can only say are honest. I hope I am wrong; for then Mr. Forster's optimist views may be correct. But, in spite of those funny speeches culminating at Tullamore, which have made sensible Irishmen smile, things are not quite happy yet on this side of the Channel.

P.S.—I am bound, in fairness, to mention the marked improvement in one class of the community. The attorneys are decidedly more plump, sleek, and well-to-do-looking since the passing of the Land Act; and I have not heard of a single complaint from this body about the new law.

#### THE TRUE REMEDY FOR IRELAND.

Albany, June 8th, 1882.

SIR,—I am delighted to see that there is a stir, however small, about Irish emigration. If not the only panacea for the ills of that unfortunate country, it is the simplest and most easy of immediate application. Short days will come again, and—if something is not done-with their now usual crop of horrors. Mr. Tuke's letter is instructive; and so is Mr. Gladstone's answer to Mr. Fitzpatrick's question on the 6th inst. The letter gives a straightforward account of a piece of practical philanthropy; the answer, in windy verbiage. tells us pretty plainly that emigration is the last thing her Majesty's Government will take up. Mr. Tuke gives in a sentence the cause of the recurring Irish question—" the very numerous small tenants who are there always living on the verge of destitution." In common with many others I have preached myself hoarse that those must go who cannot live without assistance even if the feesimple were given them. But we cannot depend on the Duke of Bedford's Fund being the widow's cruse. An Act must be passed enabling the Executive to lend money to poor-law unions and proprietors at a cheap rate for the purposes of

emigration. There need be no loss to the taxpayers, and there will be a direct gain to the local ratepayers.

#### REPORT OF OFFICIAL VALUATORS.

July 22nd, 1882.

SIR,—"They (the Land Commissioners) state that there is a strong objection to including the information given in a (official) valuer's report; as such information would be altogether misleading." These are Mr. Trevelyan's words; and unwisely, like many another, he gives his reasons. "The valuer values a holding as it stands, without reference to the provisions of the Land Law Act." We thus arrive at the real working of the Land Act by those now in power. There are two valuations—the true business one of the official valuers, and the fancy one founded on live-and-thrive principles. It is needless to say which of these two is adopted.

Here we have an epitome of the land legislation of the Government. A great show of honesty in the appointment of known men as valuers, and a studious repudiation of their awards. However patent to the sufferers this procedure may be, I had scarcely expected so ingenuous a statement

from the Chief Secretary. He is young at the work, however, and will, I doubt not, make more prudent answers in the future.

My excuse for troubling you at so busy a time is the forcing through Parliament of another vicious land measure, which is sure to add materially to "the winter of our discontent."

#### THE SENTENCE ON MR. GRAY.

Albany, August 21st, 1882.

SIR,—Two things have struck me in connection with some of the opinions of the English press regarding this proceeding—the hypercriticism, and the entire losing sight of the ends of justice. Great horror is felt at the alleged inebriety of the jury (which I deny in toto) the night before they gave their verdict. For the sake of argument, admit the accuracy of the statement. Unless it can be proved that the jury were incapacitated next day by the previous night's dissipation from paying due attention to the evidence, I cannot see that justice could suffer. The levity of such conduct would, of course, shock all right-minded people; but I fail to see any great difference between this and jurors dancing and supping at an assize ball,

which was an occurrence of no very remote date. With regard to the second point, I presume no one is bold enough to assert that it is outside the province of a judge to protect the jury; nor will there be found any one to deny that the ends of justice are frustrated by the intimidation of jurors. No Englishmen can understand the reign of terror existing in Ireland since the present Government came into power, and commenced preaching the gospel of lawlessness. Every one connected with the administration of the law, from the humblest juror to the highest judge in the land, holds his life in his hand. No one knows this better than Judge Lawson; and, thank Heaven! we have got one judge who combines great ability with fearless honesty of purpose. There are some who deny the legality of the sentence. I am content to trust Judge Lawson on that head, in preference to his The final knock-down blow to poor Judge Lawson is the assertion that the sentence is so heavy it must be remitted. He ought to have given Mr. Gray twenty-four hours prison and imposed a nominal fine. That would have suited Mr. Gray exactly; he would have then done his martyrdom cheap. All this Judge Lawson knew full well; and it is because he preferred the public good to Mr. Gray's pleasure that he has imposed the sentence which has gladdened the heart of every patriotic Irishman.

Mr. Gray is to be made to feel that the press has its responsibilities and duties as well as its privileges; jurors are to feel that they can give their verdicts in safety, and rebels are to be told, in the only way they can appreciate the fact, that they cannot break the law with impunity. The aim and objects of the advanced Liberal press is plain -namely, to force the executive to liberate Mr. Gray. On the one hand is the popularity of the moment, on the other plain duty. I fully expect to see Mr. Gray liberated and Hynes reprieved. The recent massacre in the west is the answer to a further healing measure just made law; and likely enough the no-verdict in a late trial in Dublin is the direct consequence of the Freeman's Journal advice to jurors.

#### NURSING IRISH CRIME.

November 29th, 1882.

SIR,—I think that even in the present political apathy some law-abiding persons must be asking themselves how many human beings must be sacrificed before Mr. Gladstone is discovered to be "not the man for Galway." He has raised a spirit he cannot lay; and nothing he can now do will

persuade the evil spirits in Ireland of his wish to restore order, even if the wish exists. Who will be bold enough to say that he is not wishing for pressure to enable him to pass other Socialistic measures? These latter assassinations have come most opportunely to show the value of the Prime Minister's utterances about Ireland at the Guildhall. This spirit which is abroad now in Dublin is merely a recrudescence of that which created Whiteboys, the Boys of '48, Phœnix men, Fenians, Land Leaguers—a spirit which, when dormant, is always in Ireland, ready to be fostered into activity by such management as we have seen the last three years. The most bigoted of political sycophants must now know in his heart that this Government cannot govern Ireland. As Jingoes they are admirable. They have brought a little war to a successful termination, and in the correct spirit of Jingoism they have swaggered to the Trafalgar and Waterloo rolled into one nth. could not have been more honoured or rewarded. Mr. Gladstone cannot govern Ireland. He does not know the A B C of the art; and I am afraid his much-belauded Chief Secretary is not showing by his answers and speeches that he knows more than his master. Can anything be more unwise than for the responsible minister to say that there is little similarity between crime in Dublin and that in the country? I live in dread of hearing

of some equal outrages being reported from the west and south. The type of crime is as bad as ever both in town and country. Does Mr. Trevelyan not know that it is easier to hatch crime and outrage in a populous city than in the He need not be alarmed: the short country? days are on us, and his words will, I fear, prove as true as those spoken at the Guildhall. At present the welfare of the United Kingdom is being sacrificed to the convenience and ambition of one man. As an Irishman, I protest; and, as a citizen of the United Kingdom, I wish to point out that as long as Ireland is unsettled the United Kingdom cannot flourish. I am almost ashamed of writing such truisms; but they do not seem to have penetrated far on this side the Channel. Let me finish with another truism, equally ignored at present. It is the duty of the Government to govern.

## THE JUSTICE OF THE LAND COMMISSION.

December 4th, 1882.

SIR,—Justice O'Hagan is reported to have made use of the following words:-" The valuer does not report as to the fair rent under the statute; he reports on the condition of the farm as he sees it. He reports his opinion as to the fair letting-value of the farm. The determination of what should be the fair rent pursuant to the statute, whether under or outside of the Ulster custom, is for this court to determine." This is ambiguous enough for Mr. Gladstone himself. It would take a practised hairsplitter to describe the difference between a "report as to the fair rent under the statute" which the valuer is not to make and "he reports his opinion as to the fair letting-value of the farm," which is stated to be valuer's duty. The only difference to ordinary minds is in the words "under the statute." This smacks very much of the live-and-thrive doctrine. If this is anything more than dust thrown in our eyes, it is a declaration by the highest authority that the Land Commission have a duty beyond finding out and declaring the fair value of the land; in other words that justice is not their object. The suspicion must force itself upon honest

men that the use of the valuers, according to the Commissioners, is to tell them the real value of the farm in order that they may carefully avoid fixing it at that figure.

#### THE VALUE OF LAND IN IRELAND.

January 13th, 1883.

SIR,—The Land Act, we are told, has already improved the state of Ireland, it has, at all events, been sufficiently long in operation to have had some effect on the country. In to-day's Times I read that an estate in county Mayo has been put up for sale, and that the highest offer was one of eleven years' purchase. This estate is in an exceptionally favourable condition, for it has been through the purifying crucible of the Land Court. The owner declared that before the land legislation of this Parliament he could have got twice as much. Be this as it may, eleven years can hardly be considered a satisfactory offer. It may interest some to discuss what is the cause of this disinclination to buy in Ireland; the general state of the country, or the little value to be attached to an Encumbered Estates title, after the recent breach of faith with regard to those given by the Court before the passing of the Land Act. I care not to

join in this inquiry. The sad result, of everything unsettled and nothing settled is enough for ordinary mortals. There is no sign of a change of front in the powers that be. Every step in the carrying out of the Land Act has proved a failure, and yet the appointment of fresh Land Commissioners is the only attempted remedy.

## AN ARMY IN ITS TEENS:

A WARNING.

BY

SIR EDWARD SULLIVAN, BART.

### AN ARMY IN ITS TEENS:

A VVARNUME.

SIR BOWARD SUILLVAIL BART.

Con Secretari biling kemandakali Rosinaha bi mengapakali bi Visas bada.

### AN ARMY IN ITS TEENS.

#### SCHEME OF 1871.

OUR Besieged Correspondent" in Paris relates that whenever General Trochu sat down to a game of piquet, he used to say -"J'ai mon plan;" and that when he had lost the game, which he usually did, he would get up and say-" Cependant mon plan était bon!" In 1871 our Trochus had their plan also for reorganising the British army, and a wondrous plan it was. It was to restore the army to the nation; to weld our forces into one harmonious whole; to create light out of darkness; order out of chaos; to make panic impossible. Well, they have tried their plan; they have played their game and lost it, every trick in it; and now, like their prototype, they console themselves and us with the refrain—" Cependant mon plan était bon !" The scheme of 1871 was to make future panics impossible; it was to give us an efficient army, and a reliable reserve; it has done neither. Here, in 1881, we have a regular military panic; our first line of defence has broken down completely on its first trial, and our reserve is where? Echo answers, where? The best of it is, that the Trochus who have got us into this scrape now claim the exclusive right of getting us out of it. They are indignant that any other advice should be taken; they have brought their patient to the brink of dissolution, and, like Dr. Sangrado, they insist on their right to administer a final drench and bleeding.

The army scheme of 1871 was described at the time as a tentative measure; and tentative indeed it has proved to be, in the sense that the famous experiment made by a gentleman to reduce the supply of food for his horse was tentative—by degrees he got him down to a straw a day, when unfortunately the horse died. By a somewhat similar tentative process we have reduced the supply of men to our army, till now over 50 per cent. of the rank and file are in their teens, and the non-commissioned officers are boys of 15 to 18 months' service. And now, like the unfortunate horse, our army has collapsed also.

Well, we are to have a new re-organisation scheme; a new doctor is to administer a new remedy. We know well enough what the disease is, and now, thanks to the inspired communications in the press, we know pretty well what the remedy is to be.

When you have got the small-pox you are not much interested in your doctor's dissertations about the best cure for the gout. When you know the gunner has no powder you are not curious to hear his other ninety-nine reasons for not firing a salute. The disease the army is suffering from is the extreme youth of the rank and file and absolute inexperience of the non-commissioned officers; and new schemes of retirement, selection, promotion, and linking will no more cure this disease than a remedy for the gout will get rid of the small pox! It is quite possible that if we had an efficient rank and file reforms in the retirement and selection of officers might add to the general efficiency of the army; but till the rank and file is restored to efficiency all other tinkering is mere mockery.

The country is to be congratulated on Mr. Childers' decision to lay the report of Lord Airey's committee before Parliament. It is understood to contain the evidence of many experienced regimental officers on the present condition of the rank and file of the army; and I believe every one at all acquainted with military matters will allow that the condition of the rank and file of the army is the burning question of the hour. Indeed, the matter admits of no delay. Owing to well-known causes the effective rank and file of the army has for the time disappeared. I believe I do not exaggerate when I say that, in the opinion of 99 regimental officers out of every 100—that is to say, be it especially noted, in the opinion of 99 out of every 100 of those on whom falls the heat and burden of actual service—the present condition of the rank and file is alarming, and if not speedily remedied must lead to military disaster; and I maintain that on this point the regimental officers of the army speak with the greatest authority. This is no party question. It does not affect a Tory more than a Radical, a peer more than a commoner; it is an Englishman's question-above all, it is a taxpayer's question. With army estimates of fifteen or sixteen millions we have a right to expect that our army should be in a thoroughly efficient state ready to take the field against all comers. It is said that we cannot afford to pay men to serve in our ranks, and must be content with boys.

This is not true. There are plenty of men in England, and if the proportion of our military expenditure that goes in the actual pay of the soldier is not sufficient to secure us an efficient rank and file it must be increased at the expense of some other less necessary item. The rank and file are the feet of our military image. What is the good of making its arms and shoulders of silver and its back and legs of iron if its feet are still of base clay? As a fact, an army of boys such as we now possess is the most extravagant and most wasteful that can be devised. The sacrifice of money, of life, of health, of efficiency cannot be overstated. Our butcher's bill during the last ten years has been ghastly enough; but our doctor's bill has been perfectly appalling. The percentage of British troops in India alone that have died, been invalided, and passed through hospital during the last five years is a disgrace at once to our system and to our humanity. "Of what avail," says Dr. Muir, "are our extensive barracks, our advanced sanitoria, and all the means and appliances so liberally provided by Government for the health of the European soldier, if so large a proportion consists of such delicate material!"

In an account of the recent embarkation of the reinforcements for the Transvaal I read as follows:—"The draft of the 21st was composed principally of striplings apparently under 20 years of age, and some of them were said to have been only six weeks in the army." I suppose even the young Dictator himself, in the most extreme agony of the Franco-German war, when every French soldier was a prisoner in Germany and every German soldier an invader on French soil, scarcely ventured on the incredible folly of sending into the field striplings of six weeks' service. "Even the non-commissioned officers," says the report, "were youthful." Judging by what we see in other regiments, probably many had from 12 to 18 months' service!

The position of a non-commissioned officer in his company is somewhat similar to that of a butler in a household. We select a butler for his experience, his knowledge of his work, his power to control and instruct those under him, &c. We know very well what would be the condition of the household if the "odd boy" was promoted to be butler after a year or 18 months' service; but this, without any exaggeration, is now the general practice in the army. We select boys without experience and without knowledge, who 12 or 18 months before were mere waifs

and strays in our great cities, to control and instruct other boys of the same age; and we do this not because we believe it to be wise or even reasonable, but because we have no others to select!

We are told boys have as much courage as men; I daresay they have; but for courage read confidence, and how does the comparison stand then? The martial qualities of an army do not depend on individual courage, but on collective confidence; confidence in themselves, their comrades, their non-commissioned officers, their officers, their commanders, their supports, their discipline. Success does not make a man individually more brave, but it adds to his confidence. The raw recruit may be individually as brave as the trained soldier, but he cannot possibly have acquired the same confidence.

The difference between a body of men who have worked together for two or three years in the same regiment, under the same officers and non-commissioned officers, and been trained in the same system, and an equal body of men suddenly drafted together from different regiments, is the difference between a team that has been regularly driven together and a scratch team put together for the first time; in the one case the horses may be almost trusted to do the work by themselves, in the other it will require a very accomplished coachman to make them do any work at all.

But there is a select military school who laugh at all this, who argue that one soldier is as good as another; that experience, training, discipline, system, age, go for nothing; that, in fact, an unbroken three-year-old, just caught off the common, is as fit to carry 13st. in a run from Ranksborough Gorse as a conditioned hunter.

But it is lost labour saying any more on this subject; the military authorities have before them facts and figures that cannot lie, that prove beyond the possibility of error that the present condition of our rank and file is extravagant and unreasonable, and constitutes an immediate national danger. They have the evidence of Sir Frederick Roberts and Sir Lintorn Simmons. "If they hear not them, neither will they be persuaded though one rose from the dead."

"Donnez-moi de jeunes soldats," said Napoleon, and I have actually heard this exclamation advanced as an authority for premature enlistment! But when did he say it? When there was no longer an old

soldier left to France; when the veterans of his Italian and Austrian campaigns had perished to a man in the snows of Russia, and he knew he must be content with conscripts and *jeunes soldats* or have no soldiers at all!

I believe it can be proved by evidence that would have more than satisfied Dr. Paley, that premature enlistment in the army is, in the words of Mr. Guthrie, a "hideous and hateful evil," cruel, wasteful, and extravagant in the extreme, and absolutely incompatible with an efficient force.

Even the most unflinching advocates and promoters of Lord Cardwell's reforms allow that some change is necessary; but no change can offer the slightest prospect of improvement that does not commence by ensuring to the country, in return for its enormous outlay, a rank and file composed of the manhood of the race.

It is astonishing how much official dust is thrown into the public eyes. The use of our senses is denied us: we are not allowed to believe anything we hear, and certainly not half we see. We were recently assured that "now, as a rule, none but matured soldiers were sent to India." If this is so, it is evident that every executive officer of the army from general to ensign, every medical authority, every military correspondent, is labouring under some dangerous delusion and ought to be put into a strait waistcoat! But what is the use of disputing about the shadow of an ass? We all know what we mean. If our recruits are matured men all well and good; we have what we want, and what we pay for. But if they are immature starvelings, fit for no work at all till they have been fed up and nursed two years in barracks, and even then incapable of bearing the fatigues and privations of war till their gristle is turned into bone, what does it signify whether we call them seventeen, or eighteen, or even nineteen years of age? We have not got what we want or what we have paid for. The maturity of our recruits, and their fitness to bear fatigue and privation, is really more a matter of optical conviction than of baptismal returns, and the crowd of figures and returns that smother every inquiry on the subject only tend to make confusion worse confounded.

Figures, we know, are most accommodating witnesses, and will prove almost anything we want—sometimes even more than we want! But, prove what they will, figures will not turn "gristle into bone." What do

we suppose we gain by trying to prove that our recruits are men, when, in reality, they are only boys? Who do we suppose is taken in by our "Army in its Teens"? Not our enemies, or our allies, or the subject races of our empire: they all see our weakness only too well. It is ourselves! We are actually perpetrating the preposterous folly of deceiving ourselves. We are going through the ridiculous farce of preparing returns and manipulating figures in order to prove to ourselves what we know is untrue—that we have a splendid army and a splendid reserve. It is childish, and we are making fools of ourselves before the world, wasting millions of the taxpayers' money simply in order to spare the vanity of a clique of civil and military doctrinaires who have forced on the country their own crude theories in the very teeth of the warnings and entreaties of all the professional experience of the country, and who now, as each link of their plan fails one after another, continue murmuring, with "damnable iteration," "Cependant mon plan était bon."

The cost of a voluntary army must always be much greater than the cost of an army raised by conscription; but when this army is composed of boys—who are swept away like flies directly they are put to hard work; get invalided, desert, and spend half their service in hospital, or in going to and returning from India-its cost, measured by its efficiency, is enormously increased. The cost of the British army relatively to its efficiency is fabulous. We recruit for six years' service with the colours. For the first two years our recruits are unfit to bear fatigue and privations and exposure to tropical climates—the inevitable lot of our army in peace or war. For two years out of the six our boys are neither useful nor even ornamental, and we therefore, as a rule, give our immature soldiers six years' pay for four years' work. And even with all our care the rate at which we use up our boys is frightful. During the four years 1875-6-7-8, 104,717 recruits entered the ranks. During the same period—a period of complete peace—we expended under the four heads discharged, deserted, died, and invalided, no less than 52,130 men. The number invalided out of the service increased from 3,524 in 1875-6 to 5,416 in 1878.

The language we constantly hear held about the condition of the army is incomprehensible. It is acknowledged to be in a most dangerous state of inefficiency, but at the same time it is argued that no Minister would venture to propose to the country the additional outlay necessary

to make it efficient. Now, what does this mean? It means simply this, that a minister has the courage to propose to the country to spend 15 or 16 millions on an army he knows to be inefficient, but he has not the courage to propose to the country to spend a million and a half more in order to make it efficient.

The safety of the British Empire depends directly on the efficiency of our rank and file; our rank and file is not efficient, and therefore the British Empire is not safe; and when it is assumed that the country will not sanction an additional outlay of a million or a million and a half in order to complete the efficiency of the army it is implied that the country values the safety of the empire at less than a million and a half of money. But this is absurd.

But in fact an efficient rank and file would not cost the country a million and a half more; it would in all probability cost it two millions less.

It is astonishing with what a light heart successive civil administrators set to work to remodel the army, as if it no more affected the safety of the empire than a new water or a new road bill. "Je joue ma tête," said the Duke de Broglie when he commenced his reactionary campaign. The stake was a high one without doubt, but it is nothing to the stake of an English Minister who, with insufficient knowledge, ventures to play with the efficiency of the British army. He does not stake his head certainly—probably he would be more careful if he did—but he stakes the very existence of the empire.

I can understand the administrator who is for the time entrusted with the expenditure on the army reasoning in this way: "I have 15 or 16 millions to create an efficient military machine; I don't think it is enough, but I will try. I will begin by perfecting that part of the machine that is most essential to its efficiency; when I have done that I will see what I can do for the other parts that are not quite so essential. Well, the most essential part of an effective army—indeed, without which no army can be effective, and without which all the rest of the outlay is more or less wasted—is an efficient rank and file, including experienced non-commissioned officers. It is therefore evidently my first duty to secure the efficiency of the rank and file; when I have done this I will consider in turn the respective claims of arsenals, factories, fortifications, experiments, training establishments, &c., as they more or less directly affect the efficiency of the army."

This reasoning I can understand, and I can also understand that it may leave parts of the military machine imperfect; but I cannot understand the reverse of this reasoning, the reasoning that says: "I have 15 millions or 16 millions to produce an efficient military machine. When I have amply provided for the less essential parts I will see what I can do for that which is the most essential; when I have provided for the arsenals, the factories, the experiments, &c., I will see what I can do for the rank and file."

But does it not seem that this has been, and is, the practice in dealing with the estimates; that arsenals, factories, experiments, &c., have had the first pull, and that when their claims have been satisfied there is not enough left to provide an efficient rank and file; that instead of an army of men we have to content ourselves with a rabble of boys?

We actually imitate the silly fellow who, having a certain sum of money for his hunting, spends so much on saddles and bridles, and clothing, and top boots, and breeches, and stables, that when he comes to buy his horses he finds he can only afford £15 or £20 screws.

The first reform necessary in our army is absolutely to reverse our practice in dealing with the estimates. We should, first of all, buy serviceable horses, and afterwards spend as much as we can afford on saddles and bridles, &c.; and if we find we cannot afford leathers and top-boots we shall find we can go just as straight in cords and gaiters.

It cannot be too plainly stated the safety of the Colonial Empire of England rests mainly on the efficiency of the rank and file of the army. It may be disappointing, even discouraging, but it is nevertheless a fact, that the Colonial Empire of England is, and always must remain, more or less a military empire. As in some mythologies the world is represented as resting on the back of a humble tortoise, so may the Colonial Empire of England be represented as resting on the shoulders of homely Tommy Atkins.

So long as 200 millions of Hindoos and Mussulmans believe in our superior power they will obey us, but not a moment longer. Let them once feel, or fancy they feel, as strong as, or stronger than, we are, and they will try to turn us out, and as sure as I am writing this letter they will try to turn us out if we do not send to India better specimens of our

fighting caste than we have done during the last ten years. You might as well expect to frighten the great Maréchal Saxe himself with a bogey made of a hollow turnip and a tallow dip as to overawe Sikhs, Ghoorkas, Pathans, Mahrattas, and the other fighting races of India with the caricatures of British soldiers that now compose many of our regiments.

Coming events cast their shadows before. What is happening now in South Africa will happen in India if we allow the natives thoroughly to realise the feeble condition of our rank and file. Does any one doubt that the military breakdown in Zululand has had a good deal to say to the present rising of Basutos and Boers? that familiarity has bred contempt? that when these races—brave, athletic, excellent shots, capable of great exertion, were brought into contact with regiment after regiment of immature boys, thousands of whom had scarcely fired a rifle, hardly able to march seven miles a day, without discipline, without confidence, liable to panics and scares, that they have said amongst themselves, "We are better men than these English; come, let us turn them out." The prestige of England in the East rests mainly on the indomitable qualities of her soldiers. Let the natives but once suspect those qualities have deteriorated and our prestige vanishes in the twinkling of an eve. When we read the condition of inefficiency the 11th, 15th, 61st, 78th, and 98th regiments at Bombay and Kurrachee are reduced to by sickness, we need not go far for an answer to the question, Why do we abandon Candahar? It looks very much as if we had not "soldiers" to hold it.

The army is divided into two camps on the question of the efficiency of the rank and file. In one are five or six officers of talent, experience, character; in the other are all "the rest of the army." Whilst the former maintain that men cannot be too young or service too short; that age and experience in non-commissioned officers are unimportant; that our rank and file is splendid, our reserve magnificent, our discipline perfect; that, in fact, things were never better,—the "rest of the army" to a man, officers fresh from India, from Africa, from Malta, Aldershot, Portsmouth, tell you, with one voice, that things cannot be worse; that the condition of the rank aud file is deplorable; that, in fact, the warning given by Dr. Muir, Inspector-General of Hospitals in India, fifteen years ago, "that the evils of premature enlistment had so culminated, that it might be impossible to trust her Majesty's regiments hereafter," is

dangerously near its accomplishment. The minority are the cooks who made the pudding, and they declare it is excellent; but I think it more reasonable to seek for a proof of its quality from the majority who have to eat it, and they, to a man, pronounce it abominable! The evils complained of are,—the extreme youth of the rank and file; the large percentages of desertion, re-enlistment, and crime; the general discontent and dissatisfaction that prevail throughout the service; the dislike with which the service is viewed by the respectable portions of the working and operative classes; the want of age and experience in the non-commissioned officers; the enormous cost of the army as measured by the efficiency of the rank and file; the great expense to the country of feeding, clothing, paying, nursing 26,000 annual recruits for two years before they can be put into the Line as efficient soldiers. The remedies are evidently: (1) to advance the age at which recruits are taken; (2) to popularise the services. By this means the number of inefficients in the ranks, and the losses from disease, death, and desertion would be minimised, and good men would remain in the army, and make it their profession, and afford the necessary supply of experienced non-commissioned officers. It is evident that the present system of recruiting is a failure; the waifs and strays, the starvelings of our cities and villages, immature, without stamina, under noncommissioned officers as young and inexperienced as themselves, do not give us a reliable rank and file.

The two questions that most immediately affect the efficiency of our army are "short service" and "premature enlistment."

There is a general opinion that short service is the cause of the immature condition of our rank and file. This is only half true. Short service is not the cause of the evil, but it has very considerably aggravated it.

Short service does not necessarily mean an immature rank and file, but short service and premature enlistment combined make a matured rank and file an impossibility.

Short service and mature enlistment can give a perfectly efficient rank and file; and long service and premature enlistment will give a certain number of matured men in the rauks; but premature enlistment combined with short service can only give an army of boys!

An army that is recruited for three years' service with men over twenty years of age must always have its ranks filled with matured men. An army that is recruited for six years with boys of sixteen or seventeen years of age must always have its ranks half filled with boys.

When the conditions of enlistment are such that none but men of twenty years of age and upwards are admitted into the ranks of the army, the term of enlistment does not so much signify. Whether long or short, the rank and file must always be composed of matured men; but if the conditions are such that recruits are admitted at the age of sixteen or seventeen, it is only by keeping them several years that it becomes possible to ensure a certain number of matured men in the ranks.

When short service gives a rank and file of men over twenty years of age, it is a most desirable institution. When, on the other hand, it gives a rank and file of boys between sixteen and twenty, it is simply madness.

Short service, combined with mature enlistment, has made the German rank and file the finest the world has ever seen. Short service, combined with premature enlistment, has reduced the British rank and file to the vanishing point.

Short service in Germany means the service of every man in the country between the ages of twenty and twenty-seven, for three years with the colours. Short service in England means the service of immature starvelings of seventeen (nominally eighteen, but more often sixteen) for six years with the colours.

All medical authorities in Europe and America agree that from twenty-three to thirty is the age during which man can best bear fatigue and privation.

The German army consists of 700,000 men between the ages of twenty and twenty-seven, and 300,000 between the ages of twenty-seven and thirty-two; in the English army 50 per cent. are under twenty, and the other 50 per cent. under twenty-three, the age at which man's greatest physical efficiency begins.

Under the old system of long service there were two old soldiers in the ranks to every immature boy: under the new system of short service there are a dozen immature boys to every old soldier.

The efficiency of our rank and file has diminished pro rata with the

increase in the proportion of boys that compose it: it is the old story; one boy does a boy's work; two boys do half a boy's work; three boys do no work at all!

I believe it is a fact that, in the Zulu campaign, the officers found that three boys were required to do the work of one efficient soldier.

"The first quality of a soldier," said the Emperor Napoleon, "is the ability to bear fatigue and privation; physical courage is only the second."

"In every continental army," said Lord Sandhurst during the debate on Lord Cardwell's Bill, "care is taken to provide grown men for the service; but in the British army there is no such provident care; every regulation, on the contrary, being framed with the intention of providing ungrown starveling boys."

The Royal Commission on the sanitary state of the army in India; the Director-General of the Army Medical Department; Mr. Guthrie, the late President of the College of Surgeons; Dr. Hammond, Surgeon-General to the United States Army; Professor Parkes, author of 'Practical Hygiene;' Dr. Beatson, Dr. Lyon, and in fact every medical officer, British and foreign, without exception, who has ever given written or oral evidence on military service, has condemned as cruel, extravagant, and dangerous, the system of premature enlistment.

Dr. Parkes appeals to the acknowledged facts that at the age of eighteen the process of ossification has not even begun to be completed, and that especially as regards the ribs, spine. and limbs, the epiphyses are not united to the shafts of the bone till a much later period.

Dr. Lyon, who reported to the Government on the diseases of the army in the Crimean camp, writes:—"The immature youths of eighteen to twenty succumbed at once to the hardships of campaigning, or perished after operations performed for wounds. When examined after death, the end of the long bones of the legs and arms still showed the cartilaginous state, being incompletely knit."

Lord Raglan wrote of the recruits sent him, that they were so young and unformed that they fell victims to disease and were swept away like flies.

It is twenty-five years since the Crimean war, and we are now, in a time almost of peace, filling our ranks with recruits actually less matured than those Lord Raglan rejected in the terrible emergency of the Crimean winter.

When we talk of recruits of sixteen, seventeen, or eighteen, we must not picture to ourselves the stalwart youths of an Eton or Harrow eleven, or farmers' sons, raised on beef and mutton and chicken fixings generally; we must remember that our recruits are, as a rule, waifs and strays, brought up in privation and vice, ill-nourished, late in muscular development, absolutely without stamina. There is a difference of at least eighteen months in the physical and muscular development of the well-nourished youth and the starveling of our great cities.

General Edwardes reported that in the first year the recruits grew on an average one inch in height, increased two inches round the chest and r6lb. in weight. For two years out of the six for which we enlist them, these recruits are unfit for any hard work, scarcely able even to bear the fatigue of their daily drill; all their strength and nourishment goes to support their growth.

The success of a campaign, of a war, depends often on the success of the first blow struck. Our "first line" is the weapon we trust to to strike this blow. We should therefore be sure it is sound and serviceable. If it breaks in our hand, it may cause us irreparable disaster. We know that the weapon that is now in our hand is not reliable, and before disaster becomes imminent we should try and make it so.

The serviceable and reliable condition of the rank and file of our regiments is what concerns the nation first of all. No doubt, a reserve is necessary also; but we cannot stir hand or foot; we cannot say "bo!" to any military goose, unless we have an efficient first line.

During the last year we have unfortunately been able to test the quality of our first line in two wars with undisciplined and partially armed enemies.

We have paid dear in money and military reputation for our experience in Zululand; but when we remember what it might have cost us to buy this same experience in the school of European warfare, we may congratulate ourselves that we have not been called upon to pay ten times as much.

If the late Government has done nothing else for England, it has earned our eternal gratitude for having kept us out of a European war; such a war, in the present condition of our regiments, could only have resulted in disappointment, if not disaster.

With the evidence of the Zulu war before us, it is nothing short of madness for us, "ad sirenos scopulos consenescere," to remair at anchor any longer within hearing of the sirens' music that tells us that our army is in a satisfactory state, and fit to enter the European lists. All the world knows it is not; the condition of our rank and file is no secret, and it is far better for us to face the truth than to pretend to ignore it.

Is it not a fact that in Zululand, in a fairly healthy climate, Lord Chelmsford required 20,000 troops to do the work that should have been easily accomplished by 10,000; that the delicate material composing his army was unable to bear fatigue and privation; that the boys could not march; that they were liable to panics that, in the face of a French or Germany army, would have caused their destruction; that they were lamentably wanting in cohesion, in "esprit de corps," in confidence in themselves, in each other, in their officers and non-commissioned officers; that their non-commissioned officers were too young, without experience, without judgment, without influence; that their discipline was lamentable? Was there an officer in the whole army in Zululand who would have obeyed without dismay the order to lead such troops against an equal number of the matured and disciplined troops of Europe? Almost the only successful initiative during the Zulu war was the admirably planned assault of Secocoeni's mountain; but there the British troops were in reserve, and the fighting was done by the volunteers and natives.

At Ulundi certainly 5,000 or 6,000 British troops, armed with Armstrong and Gatling guns, Martini-Henry's, cavalry, rockets, &c., &c., withstood in square, four deep, the half-hearted charge of twice their number of naked savages, only partially armed with shields and spears, and a few old Tower muskets! But was that an action to prove the superior excellence of young soldiers? Are we to applaud them because hey did not run away?

Soldiers, especially British soldiers, are called upon to bear the extremes of fatigue, exposure, and climate, and therefore common sense, humanity, economy, command us to keep as many men as possible in our ranks of the age at which they can best withstand those trials. Between 23 and 30 is the age at which men can best bear continuous hard work and exposure, and therefore our rank and file should be composed, as much as possible, of men between 23 and 30. Now this is common sense, but, unfortunately, military reformers don't always think

much of common sense. Theorists who work out schemes of army reform at their desks are apt to look upon the rank and file as pawns on a chessboard, to remain where they are placed till they are moved or taken prisoners. But this is only half true. The pawn cannot run away, but the soldier can, and sometimes does. In theory all soldiers are alike, but in practice they are not. There are soldiers who will remain at their posts till they are hacked to pieces, and soldiers who will decamp on the slightest provocation; soldiers who held the two-gun battery at Inkerman, and soldiers who bolted in their shirt-tails at the mere scare of a Zulu! Ten years ago our army was far from perfect, certainly; its commissariat was very inefficient; it was short of field artillery; by some extraordinary perversion of professional judgment it was the only army in the world without breech-loading cannon; its numbers were small, and its strength was invariably overtaxed; it was by no means invariably well commanded, but it was always on service, and it was almost always victorious. It had a rank and file chiefly composed of matured men, and it had a staff of non-commissioned officers unrivalled in the world. Its regimental system was excellent, and esprit de corps very strong. The army reformers of 1871 were in vain warned by every militant officer in the army that they were badly advised; that their scheme was a clerk's scheme, not a soldier's scheme; that it would give an army of figures, not of men; that all its calculations were founded on number, not quality; that it would fill the rank and file with immature boys; that it would ruin regimental system and esprit de corps; that a voluntary system of enlistment could not under any circumstances supply an efficient first line and a reserve; that what Germany, with universal conscription, was doing in the way of short service and a reserve, was rather a warning to us, with our system of voluntary enlistment, of what we could not do, rather than an example to copy.

It was all in vain. Amateurs are nothing if they are not rash. "Lor bless yer! they knows nothing and they fears nothing," as the Cowes boatmen say of the daring yachtsmen who brave the dangers of the Solent. The decree went forth, and what is the condition of the army now? Chaos. It is in the condition of an army after a prolonged and disastrous war; all the men and experienced non-commissioned officers are gone, and as for esprit de corps! throughout half the army,

neither men nor officers know for five months together what regiment they belong to. Now this is an exaggeration, I hear it said. Let us see. Two years ago, six or seven years after the army scheme of 1871 came into operation, we had to send an army to South Africa to confront Cetewayo and his celibate manslayers. Well, this army was modelled exactly on the lines of Lord Cardwell and his advisers—the men and non-commissioned officers were very young; each regiment was made up of drafts and volunteers from several other regiments, the officers did not know their men or the men their officers: there was no nonsense about regimental system and esprit de corps; there were no purchase officers; it was the much-talked of "harmonious whole," the army Lord Cardwell had "restored to the country," and a precious army it was! Such a breakdown never occurred before in our military annals. I suppose it will not be denied that never were sent into tented field 10,000 or 12,000 soldiers of British blood so feeble, so inexperienced, so wanting in every martial quality, as those sent out to reinforce Lord Chelmsford in Zululand; and if it had fallen to this particular army to do the work a British army has over and over again had to do, and will have to do again—if it had been called upon to stay the Sikh rush on the Sutlej, to storm Delhi, relieve Lucknow, stamp out the Mutiny, it could not have done it, and we should have lost India But this precious scheme has not only destroyed for the time the efficiency of the army; it has done far worse—it has for the time familiarised the public mind with military disaster. There is no denying the fact that during the last few years disasters have occurred to our armies, and stories have been current about the misbehaviour and inefficiency of our troops that previously would have been scouted as impossible, but now they have come to be admitted as a matter of course. People shrug their shoulders and say, "What can you expect from young soldiers?"—as if young soldiers were a necessary condition of our army. Disaster is not only condoned, but occasionally receives the meed of victory. The Zulu war is a case in point. I read—we all read—of the Isandula disaster; of the surprise, of the defenceless state of the camp, of disobedience of orders, of the unburied dead; of beleaguered Ekowe, of the timidity of our troops, of their "starting at the sound of a falling leaf," of their being jeered at as English cowards, of regiments firing into their own pickets, of artillery opening fire on a cloud passing over the hillside; and I said, "Ye gods! is it possible so

much disaster and disgrace can have crowded into such a short campaign!" But suddenly the sounds of "Rule, Britannia," broke on my astounded ears. Instead of disgrace and disaster I now read of nothing but glory, victory, of swords of honour, of triumphal arches forests of flags, carriages dragged through the streets, visits to Balmoral, showers of decorations, V.C.'s, C.B.'s, K.C.B.'s; and finally, the investiture of the commander-in-chief with the highest reward of victory, the Grand Cross of the Bath; and I rubbed my eyes and said to myself; "Is it possible so much gallantry, decision, valour, military capacity, was ever crowded into so short a campaign?" But soon, alas! the national note again changed; the war over, the regiments returned home, and eye-witnesses repeated and affirmed with circumstantial exactness the humiliating stories that six months before had so deeply mortified the national pride. It was evident, then, that the new army scheme had broken down, hopelessly, absolutely, at the first trial; but it was also evident that there was a very powerful military clique who did not wish the public to know it. Why was Lord Chelmsford made a Grand Cross of the Bath? It was not that the Zulu campaign was a victorious one. The relief of Ekowe was not a Grand Cross victory; the battle of Ulundi was not a Grand Cross victory. No. Lord Chelmsford was made a Grand Cross of the Bath, not because he was a victorious general, but because, being placed in command of the most inefficient British army that ever took the field, he did his best with it; and who shall say he did not deserve his honours as much as or more than many a general who, with better troops, has achieved greater victory.

"On December 13, Colonel Carrington, at the head of two hundred men, formed in a hollow square, captured a Basuto stronghold, though the enemy, outnumbering them twenty times, made vigorous attempts to destroy the gallant detachment." "On December 20, the head-quarters of the 94th Regiment, consisting of two hundred and fifty men, were attacked, when on the march, by several hundred Boers. One hundred and twenty were killed and wounded and the rest made prisoners." (It is now reported that thirty were killed and the rest laid down their arms!) These extracts from the same paper, taken together, are not pleasant reading. We are proud to hear that two hundred irregulars, of British blood, attacked and occupied a stronghold defended by four thousand

20

Basutos; but we are in dismay to learn that two hundred and fifty regular troops have been annihilated, or, what is worse, laid down their arms to seven hundred and fifty half-armed, half-drilled Dutch farmers! A few years ago those who read of such a calamity to the British arms would at once, without any hesitation, have attributed it to some irresistible accident of war. The idea that it could have resulted from panic, from a want of the bulldog tenacity that throughout our military history has been the distinguishing quality of the British soldier, would never have occurred to any one. And even now we hope and believe it may be so; but there is no denying the fact that we have not the same confidence. The scares, the panics, that have given such painful notoriety to the Zulu War, similar stories from Afghanistan, have warned us that the misfortunes that now so frequently overtake our troops cannot necessarily be attributed to the irresistible accidents of war. There was a time when the British infantry was the admiration of the world. "That is the step that would conquer the world!" exclaimed the Emperor Alexander as the British regiments marched past at the great review at Paris after Waterloo. "The British infantry is the finest in the world!" said Marshal Soult, "fortunately there are not many of them." "With such men I would do anything, and go anywhere," said the Duke of Wellington. In India the British soldier was an object of awe and admiration. Runjeet Singh used to say that if the British soldiers belonged to him he would have them carried about in palanquins, so valuable did he consider them. But this is not so now, The British soldier is no longer an object of admiration and awe in India. We hear of native soldiers gazing with amazement and amusement at the puny starvelings landed at Bombay, unable to march, scarcely able to bear their arms. "Can it be," one old Sikh was heard to exclaim, "Can it be these are the sons of the men who conquered our fathers?" There was a time when native regiments, going on dangerous service, begged to be brigaded with British regiments. Ask Indian officers if this is the case now? Do our rulers realise the danger our Indian Empire is exposed to by the employment of immature troops? The jealousy of English rule in India is as strong now as in any period of our domination. The natives hold towards us the same feelings the Communists of Paris held towards the Versailles troops, and amongst themselves threaten us with a signal vengeance. They submit to our rule because they believe we are a stronger race—better fighting men. They dread

our physique and our discipline more than they dread our guns and rifles. Sikhs, Goorkhas, Pathans, Beloochees, Mahrattas, watch us with much the same feeling as the caged leopard does his keepers. Once let them think that our fighting caste has deteriorated, and that we are sending boys instead of men to keep them down, and they will be certain, as soon as occasion offers, to make their spring.

When, contrary to common sense, contrary to the warnings, the entreaties, almost the tears, of nearly every combatant and medical officer in the army, Lord Cardwell insisted upon engrafting the German system of short service on the British system of immature enlistment, a catastrophe was inevitable. It was a simple question of arithmetic how soon the rank and file of the army and the class of non-commissioned officers would consist of boys, how soon the time would arrive when, according to one of the first medical authorities in the army, "the evils of premature enlistment would so culminate, that it might be impossible to trust her Majesty's regiments." We were told by the civilian and political reformers of our army that in 1870 Lord Cardwell found us, a great military power, in a "humiliating plight." May I ask any regimental officer who has seen service in the field during the last two years whether the general condition of the rank and file of the army has improved during the last ten years? If it was humiliating then, is it not deplorable now? If ordered on service, would our regimental officers prefer to lead the men who followed the colours ten years ago, or those who follow them to-day? Our recruits are now enlisted at the age of seventeen, and passed into the reserve at the age of 23 or 24. We actually say to each man, as he reaches the age of 23, "You are now full grown; you are no longer a boy; you have attained the age at which you are best able to bear privation and fatigue; therefore, you must at once leave the ranks of the active army." Whenever old soldiers, men of six or seven years' service, like those who marched with Roberts from Cabul to Candahar, can be brought together, the honour and glory of the British arms are safe; but how many of these have we left? It is no exaggeration to say that Sir Frederick Roberts's force was the pick of the whole army of Afghanistan: the cream of an army of 40,000 men. If the expense of our present army of boys, relatively to its efficiency, could be calculated, the cost of any soldier, with stamina to go through a campaign, would be found to be enormous

The British public does not know how its money has been wasted; it does not realise the deplorable condition of the rank and file of the army. Accustomed to see well-grown regiments of guards and volunteers, it would be struck with dismay if it saw some of the skeleton regiments from Aldershot, Shorncliffe, and Portsmouth, with 30 officers and 200, sometimes scarcely 100, boys from 18 to 20, on parade. Many of our regiments resemble the training-brigs we see round our coast, manned with boys learning their work and growing into men. But there is this difference between them, that whereas the sailor lads have able seamen and experienced petty officers to teach them their work, the soldier lads have not. What would the public say if a training-brig was sent on active service manned only with boys, and with boys rated as able seamen and petty officers? But this is, scarcely with exaggeration, the condition of many of our regiments. The 94th, the unfortunate regiment in question, composed chiefly of drafts of boys and non-commissioned officers scarcely, if at all, out of their teens, was sent to Africa last year in a time of national peril, to assert the might and majesty of England. Foreigners who see our rank and file think that the manhood of England is gone, that her children have degenerated into a puny race, but this is not so. We can show upwards of 300,000 Militia and Volunteers who, physically and for every quality necessary to make soldiers, can scarcely be matched in the world. The English race has not degenerated, neither is the military spirit dead; but ill-directed legislation, an absolute disregard of the most evident facts and of common sense, prevent the manhood of this country from taking its place in the position where it is most wanted. Matured men fill the ranks of the Militia and Volunteers, matured men man our ships of war, matured men constitute our Reserve; but just where mature men are most wanted, namely, in the rank and file of our active Army, we take, in preference, immature lads.

"Granted," I hear some of my friends say. "All you say is true, no doubt our first line is inefficient, some of our regiments cannot muster more than fifty rank and file with the colours; but we have a reserve of matured soldiers; and at any cost, even at the cost of the efficiency of our first line, we must have a reserve." Now this is all very well if we are prepared to put the cart before the horse; to make our reserve our fighting line, and keep our fighting line in reserve; otherwise it is nonsense.

Well, we have our reserve, consisting of something under 17,000 men who have served their time with the colours (why there are not 50,000 by this time I cannot imagine), and about 30,000 men who who have served not less than two trainings of twenty-seven days each in the militia. The former receive 6d. per day, and are liable to be called out for service when required; the latter receive a gratuity of one sovereign after each training, and are also liable to be called out when required. The former are trained soldiers; the latter are not; but they have a certain military experience, and physically are as good material as can be desired. The reserve of an army is generally understood to be a force kept in a state of preparation to support the fighting line when required; but that apparently is not our present idea of a reserve: it is now argued that the reserve should be incorporated with the fighting line whenever it goes on service; it is argued that the breakdown of the rank and file in Zululand was the result—the culpable result—of not carrying out Lord Cardwell's scheme in that respect; that the first-class army reserve should have been incorporated with the regiments that were sent to Natal: but "quis custodiet ipsos custodes?" Who, then, shall act as a reserve to the reserves? If at the very commencement of a campaign the reserve is incorporated with the fighting line it ceases to be a reserve.

We may talk about our first line and our reserve; but it is evident that if our first line is unfit for active service till the reserve is incorporated with it—make what distinction we like in name—we have in reality but one line.

This appears to be actually our case: we have what we term respectively our first line and our reserve; but our first line is composed of such youthful material, that unless the reserve of older men is incorporated with it, it is comparatively useless.

The confidence we derive from the knowledge that we have a reserve of 17,000 trained soldiers and 30,000 partially trained soldiers is considerably diminished when we find that without these reserves our fighting line is unfit to contend with half-armed savages, much less with the disciplined troops of Europe.

We nurse our hobble-de-hoys in the line till they become men, when we turn them into the reserve; but when the first note of war is sounded we have to call them back again into the ranks!

"We must have a reserve; look at our reserve!" is the parrot cry of the new school of army reformers. I wish we could look at it, it is worth looking at; it contains all the manhood of the British army; but where is it? Echo answers, Where? All that we know about the reserve is that it has largely increased the number of fraudulent enlistments, and that it is rapidly creating a new class of able-bodied paupers, who come to the parish to subsidise their paltry 3s. 6d. per week. If the reserves are available, why are they not employed? God knows they are wanted badly enough. If they are not available, what is the use of them? Four years ago, the military authorities were called upon to send out 3,000 or 4,000 men to reinforce the garrison at Malta. So hard were they pressed that in this force were 900 boys who had never fired off a rifle. Where was the reserve? Regiments were sent to India that were physically incapable of marching to the front. Where was the reserve? The greater part of the army in Zululand was composed of boys utterly unfit for war. Where was the reserve? The most hopeless whist player is the man who "bottles his trumps," who loses trick after trick for want of playing a trump, and at the end of the game throws down trumps enough to have won every trick if played in time. It appears to me that we also "bottle our trumps;" we lose trick after trick in the game of war for want of some trumps, and when the game is lost we say, "Look what a hand of trumps we have; look at our magnificent reserve."

Three conditions are absolutely indispensable to an effective army: a rank and file of matured men, able to bear fatigue and privation; experienced non-commissioned officers, able to enforce discipline, and impart backbone and cohesion, and a large percentage of soldiers over three years' service. Without these conditions no army is fit to take the field. Our system makes it absolutely impossible that our army should have any of them. Military service in hot climates, whether in time of war or time of peace, is work for men. We have been trying to make boys do men's work; but this, as Sam Slick tells us, is "agin natur," and naturally we have failed. What should we think of a 15-stone man who took a stud of two or three year olds to hunt at Melton, and left a stud of five or six year olds in reserve in London? We should have no difficulty in pronouncing him a fool. We should know for a certainty that his young animals would break down, one after another, as fast as they tumbled into a run, and probably

break his own neck. But this is actually what we have done. We have set our two and three year olds to do the work of matured horses, and congratulated ourselves on keeping our five and six year olds in reserve. Of course they break down under the first severe trial, and we are left the laughing stock of the world. "Look at our reserves," say the amateur civilians who are responsible for the present system, "what fine men they are, what bone, what muscle—just the sort we want." "Look at our army," reply the professional soldiers who are responsible for the safety of the empire, "what boys they are, no bone, no muscle, only gristle—just the sort we don't want." We have got a reserve certainly, probably on paper 30,000 men; but at what a cost? at the cost of the efficiency of the entire army. These 30,000 represent the only matured men we have in the service, the rest are boys. To make our army of boys in any degree effective, the presence of every reserve man we have is necessary in the ranks. It is deceiving ourselves to say we have an army and a reserve. Our army is not an army unless the reserve is incorporated with it. We were told by the civilian reformers of our army that in 1870 Lord Cardwell found us, a great military power, in a "humiliating plight." No doubt our army was in many respects far behind some of the armies of Europe, but in many respects it was second to none. We were short of artillery, short of transport; our army was non-elastic-no reserves; but the physique of our rank and file, their tenacity, their endurance, their discipline, their fighting qualities, were unequalled. The old non-commissioned officers were the backbone of the system, and had not their equals in any army in the world. Our regimental system had grown up with the army, encouraged military competition, and fostered esprit de corps, but now, with a stroke of the pen, this is all gone—regimental system, matured soldiers, old non-commissioned officers exist no longer. But this army that was put on one side as a thing of no value, and handed over to civilians and civilian soldiers to remodel and reorganise according to their ignorance and their crotchets, had nevertheless done good service; it had carried the flag of England to victory against greater odds than were ever faced by any other army in the world, but then it was an army of men, of old soldiers, enlisted for 21 years' service. They were old soldiers that stormed the heights of the Alma, that defended the heights of Inkerman, that, in a thin red line, checked the Russian advance on Balaklava, that made and defended the trenches before Sebastopol (for,

as Lord Raglan reported, "the young recruits fell victims to disease, and were swept away like flies"); they were old soldiers, men of from five to twenty years' service, that, on the banks of the Sutlej, under Hardinge and Gough, stemmed the rush of the Sikh invasion; that, in the far more terrible days of the Mutiny, saved the Indian Empire at Delhi, and re-established it at Lucknow. Do we suppose that, if the armies that performed those deeds of daring had, like the regiments lately sent to India and Africa, been composed of immature lads in their teens, half of whom had never fired ball cartridge, with non-commissioned officers of 12 or 14 months' service, they would have achieved an equally glorious result? It is contrary to common sense to credit it for an instant.

Of course the only true test of the value of an army is its efficiency; neither its cost nor its numbers are any guide; the money may have been ill-spent, wasted; the numbers may include a ruinous percentage of inefficients. The cost of our army as represented by the inefficiency of its rank and file is astounding.

According to the *Constitutionnel*, the cost of each man in the German army is  $\pounds_{43}$  per annum; in France. rather more; in Russia,  $\pounds_{38}$ ; in England,  $\pounds_{140}$ .

If our rank and file was, man for man, three times as capable of bearing fatigue and privation as the French, German, or Russian soldiers, all well and good, we should have no cause to complain. But are they? Does any soldier venture to maintain that, with all our expenditure, we could now, without calling on our reserves, place in the field an army of 70,000 men fit to confront an equal force of French or German troops? Could we place 50,000, or 30,000, or even 20,000?

But I am afraid that £140, extravagant as it appears, does not by any means represent the actual cost of each efficient Britsh soldier. Fifty per cent of our army are from seventeen to twenty years of age, and physically incapable of bearing the fatigues and privations of war; the cost, therefore, of the other 50 per cent that represent our effective force must be largely increased; and even of these but a very small percentage have attained to the full maturity of manhood. The actual pay of the rank and file is, comparatively speaking, a very small portion of the total expense of the army—it is the number who die, get

invalided, and go to gaol that so runs up the cost of those that remain. The rate at which we use up our immature rank and file is absolutely frightful: during the four years 1875-6-7-8, a period of complete peace, we enlisted 104,717 recruits, and expended during the same period, under the four heads, died, invalided, deserted, and discharged, no less than 52,130 men. We enlist roughly about 26,000 recruits a year, and we lose from the above-named causes about 13,000 men a year. The number invalided out of the service increased from 3,524 in 1875-6 to 5,416 in 1878. With these figures before us, can we be surprised that Mr. Guthrie, late President of the College of Surgeons, should say that "he felt himself bound, in season and out of season, to press upon every Minister of War the hideous and hateful evil of premature enlistment"?

Now the British soldier in time of peace is well fed, housed, and clothed, and has the advantage of constant medical supervision, and is at an age when, according to insurance statistics, the percentage of deaths should be at the minimum; but he is immature, growing; he has no stamina; the process of ossification has not even begun to be completed; his bone is still gristle; and when exposed to fatigue and privation, especially in hot climates, he breaks down or dies.

It is more than probable—it is almost certain—that if we fixed the age of our recruits at twenty or twenty-one, instead of at sixteen or seventeen years of age, our losses from disease and death would be diminished one-half, and that 18,000 recruits annually would give us twice as many effective men in the rank and file of the army as 26,000 recruits do at present.

In order to diminish the ruinous loss resulting from desertion, the service must be made more popular; and to lessen the loss by disease and death, the army must be recruited by maturer stuff. "This is all very well," we are told; "but how is it to be done? To make the army popular means to make it more expensive than it is at present; and as for getting more mature recruits, beggars cannot be choosers—we are only too glad to get what we can."

It is the old story of Mahomet and the mountain. If the recruits will not go to the army, the army must go to the recruits. We must make the conditions of service more attractive. There is no reason

why the army should be recruited entirely from the waifs and strays, the outcasts of society; that "going for a soldier" should be synonymous with going to the devil! There are always a sufficient number of men to be found for the police, for railway work of all kinds, for merchant sailors; and so there would be for the army, if the conditions of service were made sufficiently attractive; and there is so much in the life of a soldier that must always be attractive to an adventurous race like the English, that it can need but very little change to make it so.

If the estimates are carefully analysed it will be found that a comparatively small amount, not probably more than 15 per cent. of the total outlay, goes in the actual pay of the soldier; and therefore when the question of a small increase of pay to the rank and file is dismissed as an impossible addition to our military expenditure it is not true. One thing, however, is certain. We must have efficient soldiers, and if 15 per cent., or whatever the exact proportion is, of our outlay wll not give them it must be supplemented from the remaining 85 per cent. During the last 20 years the value of every kind of labour throughout the country has risen considerably; it is almost certain, therefore, that the value of the soldier's labour (which is just as much a volunteer employment as any other) has risen also; and the reason we do not get proper men for the military service is that we do not give the proper wages. The labourer is worthy of his hire, and when one considers the lardships, the dangers, the exposures, the expatriation of the soldiers' circer one cannot combat the reasonableness of his desire to get as much as he can-Doctrinaires may denounce the economical iniquity of pensons, but common sense tells us that when a man devotes the best years of his life to a service in which he can save nothing, and in which he is exposed to constant dangers of injury and health, a pension becomes a recessary condition.

Military service must always, to a certain extent be denoralising to a nation, inasmuch as it diverts a certain portion of the nanhood of the nation from remunerative to unremunerative labour. It is one of the first duties, therefore, of every Government to make military service as little demoralising as possible. I believe that, when it is carefully examined, it will be found that no system that has yet been devised is nearly so demoralising to the community as that of premature enlistment and short service. Under the old system of 20 years with the colours,

and a pension, the army was a career; it was recruited chiefly from the waifs and strays, the roughs, the loafers, the adventurous class, who were unable or unwilling to settle down to a civil occupation. In this way the army was an actual relief to the community; in those days every fresh recruit for the army meant a loafer less in the community. Now, this is reversed; every recruit for the army means, eventually, a loafer the more for the community. We enlist on an average 25,000 boys a vear at an average age of 17, before they have learnt any trade or profession. At the end of four or six years, when they are 22 or 23, we throw them back on the community, still without any trade, but with 6d. a day reserve pay; in the great majority of cases these men are too old and unsettled with military service to steady down to the drudgery of learning a trade, and become loafers and waiters on Providence—the pittance of 6d. a day encouraging them in this career. Our system has the effect of inducing some 25,000 boys of 17 or 18 years annually to idle away the five or six most precious years of their life, and to postpone learning a trade till they are generally too old and too unsettled to do so.

The German system of compulsory service that takes every man between the ages of 21 and 23, after he has learnt a trade, and in 18 months or two years sends him back to his trade again, is very much less injurious to the industrial community. What the number of our reserve is intended to be I don't know; but, at the present rate of increase, we shall before very long be paying a million sterling a year to 70,000 or 80,000 of able-bodied young men to keep them in a state of semi-idleness, on the chance of their services being some day wanted. We abolished the system of pensions because we were told they were demoralising; but if it is demoralising to pay a man 6d. a day who has given the best twenty years of his life, and probably his health also, to the service of his country, I maintain it is twenty times more demoralising to give 6d. a day to a young man who has scarcely served his country at all, and whose future service may never be required. The cost of our reserve will soon become enormous, and its utility apparently nil. The whole idea of a pensioned reserve of young men appears to be wrong. It is beginning at the wrong end-pensioning the young instead of the old; pensioning those who can work instead of those who cannot. If the reserve is available for ordinary military service, in what does it vary from the regular army? If it is only available on extraordinary

national emergencies, it is an inconvenient provision against an improbable accident, like that of the man who carried about with him a wooden leg in case his own should be cut off. Our Trochus have destroyed our regimental system; the five years' limit for commanding officers, short service for non-commissioned officers and men, and the constant calls for volunteers, have rung the knell of the "old regiments." Officers no longer know their men, or men their officers; all that was good in the regimental system is gone, and what is left is not worth fighting for; but we must have something to replace it. We have tried linked battalions, but they failed us even before they could be tried.

It appears that we might with advantage adopt a part of the military system of our friends, the Zulus. In many ways the efficiency of our army would be very much increased if it were divided into regiments of 5,000 men, with a general commanding and five lieutenant-colonels and a complement of regimental officers. It would save us the ridiculous necessity of having absolutely to destroy three or four regiments in order to make one fit for service, and it would make desertion, or rather re-enlistment, which is one of the chief inducements to desertion, more difficult. "Oh! it is all very well finding fault," we are told; "nothing is so easy as that. Before you destroy the present system, why don't you give us something better?" As a rule, this argument is a sound one, but in the present case it loses half its force, because the present system is so utterly and indefensibly bad that no change can possibly make it worse, whilst almost any change must make it better.

Ruinous, demoralising, dangerous, as the re-organisation scheme of 1871 has proved to be, it has taught us one fact, and that an important one, viz., that voluntary enlistment will not give us an army and a reserve as well. Under proper conditions it will give us an army, an efficient first line, but the reserve must be sought in some other way. Well, but in what way? As a reserve is necessary, we must have it; we are not safe without it. Granted all this, it simply becomes a question of what the country will pay for its safety—not in money, in hand already, waste enough of that—but in "personal service." Oh! but "personal service" means compulsory service, and compulsory service in any shape is contrary to the habits, the instincts, the prejudices of England. I don't believe a word of it. The question of personal military service has never been fairly raised in England—it has never

been clearly and distinctly put to the people. Of course, I don't mean compulsory service for the army; that is impossible. You could never force a man against his will to serve for years on the banks of the Sutlej or on the banks of the Tugela; but if any of the statesmen the people delight to honour would tell them that "personal home service" is a distinct service which every citizen, high and low, rich and poor, owes to his country, I believe it would be accepted at once; but it must be universal, and those who have the best blood must be those to show the best example. If universal military home service did nothing else but to diminish class distinctions and class prejudices it would confer an immense national benefit. The gulf between rich and poor, high and low, is dangerously deep and broad, and might be bridged over with great advantage. What a deal of good it would do the crutch and toothpick brigade to have to serve a year with the colours in the territorial army; and there would be more joy over one of the half million of able-bodied roughs or casuals who won't work, who could be thus utilized, if only for twelve months, than over a hundred respectable recruits. With such a reserve of military spirit and education as a territorial army would give us, a bonus of a few pounds would always bring a sufficient number of volunteers to fill the gaps that war or pestilence might make in the ranks of the regular army. And is it not better to give a volunteer £5 when you want him than to continue to pay a reserve £9 a year for many years, with the great probability of never wanting him at all? This, then, is what we want, a voluntary army recruited for 12 years with the colours, with the option of 10 years more, and a pension after 21 years. This army to be divided into regiments of 5,000 men-an army of 25,000 or 30,000 men recruited for special service in India, compulsory service for the militia, or rather a territorial army, for home service, in which every man of every rank, from the duke to the dustman, should be compelled to serve one year with the colours, between the ages of 20 to 24, and to be liable for yearly drills, and for home service up to the age of 40.

I know it will be said, as it is said whenever Lord Cardwell's unfortunate manipulation of the army is attacked, "It is a shame to abuse the British soldier." I do not abuse the British soldier. I yield to none in my admiration for his glorious deeds, his endurance, his discipline, his tenacity: no one reads with greater pride and delight the

victorious chronicles of the British Army. I blame those who are making a continuance of these glorious annals almost an imposibilitywho are placing the British Army under conditions in which it courts disaster, and who, if allowed to carry their pernicious theories to the bitter end, will cause its ruin, and with it the ruin of the British Empire. But I do not believe they will be allowed to persevere in their present The public, slow to learn, are beginning to realise the fact that the Army Organisation Scheme of 1871 was a political job—the work chiefly of civilians, entirely ignorant of military matters, assisted by a few "political" soldiers, all of whom, unfortunately, have no lived to see the ruin they have caused. It was forced on with a studied contempt of the warnings and entreaties of all the experienced military authorities in the country. And what a fiasco it has been! Probably there never was a more complete legislative breakdown! Short service, combined with premature enlistment, have destroyed the physique of the army; the five years' term has deprived it of some of its best commanding officers; the presence of every man of the Reserve is absolutely required in the ranks; the linked battalion system has been proved an impossibility; the central depôts a mere sink of money; abolition of purchase has cost the country millions of money, and caused a stagration of promotion without a single counterbalancing advantage, and new, after nine years' steady deterioration, it has become evident that the efficiency of the rank and file of the army is dangerously impaired. The present Government have shown that they are not afraid to reverse the policy of their predecessors when they are convinced it has failed. Have they the courage to reverse their own policy under like conditions? Ten years' honest trial has proved beyond any doubt that Lord Cardwell's Organisation Scheme has failed—failed absolutely and entirely. Will the Government reverse such portions of it as are necessary to restore the efficiency of the rank and file of the army? Let us hope so. us hope that the efficiency of the British army, seriously impaired by a Liberal Government in 1871, may be more than restored by a Liberal Government in 1881.

FINIS.

John Heywood, Excelsior Printing and Stationery Works, Hulme Hall Road, Mannester.

# CONSTRUCTIVE CONSERVATISM.

### A SPEECH

DELIVERED BEFORE

### THE CONSTITUTIONAL UNION,

MARCH 22ND, 1881.

BY

C. ALGERNON WHITMORE, ESQ., B.A.

PUBLISHED
FOR THE CONSTITUTIONAL UNION.

LONDON: EDWARD STANFORD, 55, CHARING CROSS, S.W. 1881.

[Price Threepence.]

## CONSTRUCTIVE CONSERVATISM.

#### A SPEECH

MINETERSTITUTIONAL UNION.

The meet monthly

ALLEGENON WHITMORE, ESQ., BA.

FOR THE CONSTITUTIONS, TOTON,

EDWARD STANFORD, 55. CHARDING CROSS, S.W. 1881.

Price Chresponer,

### CONSTRUCTIVE CONSERVATISM.

ONE of the consequences that has resulted from the adoption of the name "Conservative" by the political party which is opposed to Radicalism is this, that it is commonly believed to be possessed by a blind and inveterate love for things as they are, and to be resolved, while originating nothing itself, to offer an indiscriminate resistance to every innovating proposal that from time to time may be made. In a word, we Conservatives are represented as holding a merely negative creed, consisting of but one dogma, which imperatively prescribes the necessity of a defensive resistance to every innovation.

I wish this evening to protest against this view of Conservatism, and to appeal to Conservatives themselves to prove by their constructive activity while in opposition that it is an obviously inaccurate and incomplete representation of the policy they would pursue when again placed in power. Radicals will try to keep us from this course. They will boast that they alone have an inherent capacity for legislation. But the most important bills introduced by the Government this Session carry with them a condemnation of this complacent claim. By each one of its three principal measures

the Radical Ministry seeks to correct the defects of, or even to abrogate and reverse its own heroic legislation of only ten years ago. By the Army proposals of Mr. Childers it is departing widely, and most wisely, from the principles which it advocated through Mr. Cardwell. By its Corrupt Practices Bill it confesses that the Ballot Act has not produced the results that were prophesied for it. By the Irish Land Bill it proclaims the failure of the Land Act of 1870 to be, as it was then boasted that it would be, the final and satisfactory settlement of the Irish land question. Radicals will assert, too, that the historical policy of our party has given to them a sort of prescriptive monopoly of legislation. I do not deny that individual Conservatives, and even sections of Conservatives, in times past have done something-too much—to justify the injurious imputation, that historically we have been a party of passive resistance to change. But I do say that, if regard be paid to the opinions of the most notable of Tory and Conservative statesmen, this charge will be seen to be unjustified. The status quo had no paramount charms for the older Tory party of the last century. Bolingbroke and his followers had no dislike for change merely as change. Amongst the later Tory party the conspicuous names of the younger Pitt, and of Canning, recall to our minds, not stationary and stagnant prejudices, but policies original, active, progressive. The career of the

founder of Conservatism—Peel—is distinguished by vigorous and successful legislative and administrative reforms. And that would be a misleading description indeed of Lord Beaconsfield that portrayed him as clinging superstitiously to everything as it existed, and shrinking nervously from every political or social change.

But after all, gentlemen, whatever may have been the attitude of the Tory and Conservative party in the past, we are concerned with the present; we have to deal with the Radical party, flushed with triumph, powerful in numbers and organisation, and led by men of ability and ambition. We know that the inspiring spirits of this party are indifferent to the historical continuity of our national life, that they dislike the essential principles of the Constitution, that they are envious of social and religious distinctions and privileges, and that they long for an artificial social equality. We know, that is, that the ruling sentiments of this party are politically, socially, and ecclesiastically destructive. This is the party which confronts us now, and whose policy and designs we have to counteract and defeat. How shall we best do this? Are we to sit on quietly in our arm-chairs, grumbling at the bad times on which our lives have fallen, and despairingly exclaiming that the country is fast going to the dogs, but yet waiting passively for each new Radical attack upon principles and institutions which we prize? Surely not. Let us

rather anticipate and prevent these attacks; let us develop a vigilant, active, and aggressive policy of Constructive Conservatism. Let me now explain more in detail what I understand by Constructive Conservatism.

Such Conservatism, in the first place, seeks to conserve the essence and the spirit of our historical institutions; but if they in any part work badly, it does not allow their patent defects or anomalies to continue a source of weakness to the institutions we wish to preserve—a source of strength to the enemies who wish to abolish them entirely; but while preserving their substance, it will alter and accommodate their form to present needs.

Such Conservatism, secondly, seeks to maintain all those forces in our political and social life which, whether directly or indirectly, tend to secure stability and to prevent the fickle populace from exercising an uncontrolled despotism over our destinies, and from introducing, as the whim seizes it, constant, arbitrary, and violent changes. It would seem that almost all legislation, and every social movement, of the last fifty years had, in effect, weakened the forces on the side of stability, and given fresh power to those on the side of instability. Each pet scheme of the Radicalism of the hour would, if realised, most certainly aggravate these results. In order, then, to preserve the balance even as it is, and, if possible, to redress it somewhat, Conservatism must mature and carry out original and constructive legislation and policy.

Thirdly, in matters less distinctively political, such Conservatism should be ever ready and eager to remove grievances, and to add to the moral contentment and material prosperity of every class and trade, if for no higher reason, at least because nothing is more destructive of the sentiment of Conservatism, and nothing more productive of the spirit of Radicalism than discontent.

Conservatism, therefore, I would contend, has three spheres in which it may properly be constructive.

- (1.) In counteracting Radical alterations in our constitution and institutions by timely adjustments of them to present conditions.
- (2.) In developing and recreating stable and conservative influences in society.
- (3.) In carefully regarding the social and non-political wants and interests of the community.

Let me now very briefly apply these principles to the present state of things in England. I confess I do not quite understand the mind that considers this to be altogether satisfactory. The most inert of Conservatives equally with the most restless of Radicals must perceive many causes for grave anxiety. Of course to-night it will be impossible to elaborate specific or definite projects for remedying the evils which appear to exist. I shall merely attempt to indicate some of the

subjects which call for Conservative action and to suggest the sort of treatment which, as I think, Conservatives might apply to them.

I will say nothing now of the functions of the Crown, or of the Executive Government, and will call your attention in the first instance to the Legislature. I assume that every one here agrees that the Legislature should be composed of two Houses, of which one should be mainly hereditary in character, and the other representative and elective. But how does our Legislature, constituted on these principles, work now? Is the business of the country satisfactorily transacted by it? Has the Upper House its proper share of political influence? and does it perform its due proportion of work? Is the Lower House sufficiently independent of the passing passions of the electorate? To these questions I think that every Conservative must admit that the Upper House has not its proper share of political influence, and that it does not perform its due proportion of Parliamentary work. Let us deal with these two evils first. We may confess the impossibility of any retrograde legislation; we may confess the impossibility of adding to the power of the House of Lords by any direct means. surely there may be some connection between its apparent habitual torpor and its political powerlessness. This torpor must at any rate make it vulnerable to the attacks of its foes. Let the House of Lords now reject some measure on which

popular passion has fixed its unthinking affections; let a noisy cry be stirred up for the abolition of the hereditary House. Let Liberal leaders feel that this question has come within the range of practical politics, and, without doubt, the defence of this House would be easier, the attacks upon it less plausible, if it was plain that it was doing, and doing well, a much larger part of the ordinary and commonplace work of Parliament. So that the first proposition that I would make to you is, that the Conservative party should by a re-arrangement of Parliamentary work make the House of Lords a more apparently working and useful body. By such a measure they would certainly help to secure the political power which it still possesses, and they might add something to its permanent political influence. Let us turn to the House of Commons. Clearly it is overburdened by the multiplicity and vastness of the business which it has to transact. Of course, exceptional circumstances have during this Session brought this fact into disagreeable prominence; but even if the Irish members were to cease from troubling, who doubts that in ordinary times, and under ordinary conditions, the burden of labour is too great for it to bear? The difficulty of the moment has been crudely treated by a remedy more dangerous than the disease itself—by a remedy, however, so insidious, that Mr. Gladstone preferred taking it to depriving private members of one Wednesday's sitting

or introducing one Saturday's sitting; thought it better, that is to say, to lose the very essence of our Parliamentary system, than to slightly vary the diurnal routine of the House of Commons. But by what means can a permanent cure for this evil be effected? I would suggest, as has been so often suggested, that it would be a sound Conservative policy to withdraw from Parliament the hearing and settlement of private bills, and to transfer this task throughout the United Kingdom and Ireland to local bodies. Parliament might lay down general rules for the guidance of these bodies; there might be a right of appeal from them to some permanent and joint Committee of the two Houses; there might be assessors appointed by Parliament at the local tribunals. But let the actual contentious work be taken from Parliament, and let the local tribunals inquire into and settle all private legislation. The local tribunals might vary in their constitution in the three kingdoms. In England a Committee from the Court of Quarter Sessions, with representatives elected from the towns, and some, perhaps, by the county, would, I should imagine, form a competent body. By this change Parliament would gain the best hours of the day for the transaction of more distinctively political business. And, in addition, a step will be made in a direction opposite to that of centralisation, towards which so many steps have lately been made. A new inducement will be given to country gentlemen and others to remain in the districts where their property lies. Landowners will be seen to be performing gratuitously yet other and more conspicuous duties than they discharge even now. Incidentally, too, this change would remove some of the more plausible arguments of Irish agitators for Home Rule; would compel them to define more explicitly than they have yet done the character of the home rule they desire, and thereby oblige them to confess that it is a disintegration of the empire at which they are really aiming.

Another of our institutions which calls for the action of Constructive Conservatism is the Established Church. In the very interesting paper which Mr. F. Radcliffe read to this Union a fortnight ago, he contended that amongst the grounds for supporting the establishment of the Church were these: That the Establishment presented a nucleus round which the religious feeling of the nation gathered; that it gave to the Church a comprehensiveness and toleration that no disestablished Church could possess; that it attracted to itself a body of clergy more educated and less infected with priestly narrowness than are found elsewhere, and dispersed and settled them in every parish of the kingdom, to scatter a refining and educating influence amongst the poorest in the most remote and inaccessible districts. Another ground on which we should support the Establishment, as I think, is this: It exercises in our national life an influence on the side of stability. It is ancient and venerable; it exalts the idea of authority, and teaches the merits of subordination. Its members are less likely to be imbued with a sense of the infallibility of private judgment than the members of dissenting sects. On all these grounds, then, it is the duty of the Conservative party to maintain the union between Church and State, and its plain interest to endeavour to remove any dangers that may threaten it, or any defects that may impair its utility. But we all know that, besides the open attacks of enemies that threaten the Church from without, it has its own internal weaknesses. We know that there are many staunch Churchmen who are not satisfied with the exact form of the present relation between Church and State. We know that the majority of Churchmen desire an alteration in the constitution of the courts that deal with ecclesiastical offences, hope for such a reform of Convocation as would make it more truly representative of the whole Church, and are anxious to put a stop to the notorious abuses connected with the sale of livings. Let, then, the Conservative party mature, and do their best to carry, the measures that would, in these respects, give satisfaction to Churchmen, and fresh strength to the Established Church.

A very different subject on which Conservatives should develop plans of constructive reform is the Army. Mr. Childers' proposals will probably cure

many of the defects of Lord Cardwell's system, and introduce several material improvements into our military organisation; but is it to be believed that these proposals, good enough as they may be so far as they go, will render the Army thoroughly fit and ready to perform the various and heavy duties which at any time it may be called upon to attempt? Think for one moment what these duties may be. It may have, at one and the same time, to garrison Ireland and England; to maintain our empire in India; to be engaged in one or more Colonial wars in different parts of the globe; to enforce the guarantees which bind us to preserve the territorial integrity of Belgium, Holland, or Portugal, and to defend Constantinople or some other stronghold whose possession by an enemy would endanger our road to India. If our Army is plainly unequal to the discharge of these duties, are we not criminally negligent if we do not seriously and quickly try to make it equal to them? One manifest weakness in its organisation will remain untouched by Mr. Childers' reforms, and that is that which results from the want of cohesion and connection between its three several component parts, viz. the Regular Army, the Militia, and the Volunteers. In considering larger schemes for an increase in the numbers of the Army, or for a reduction in its possible duties, may we not cherish the idea of an Imperial Army, recruited from every province of the empire, and liable to serve in each of its regions? Are

not we Conservatives too often afraid of being stigmatised as idealists or sentimentalists; and do not the most visionary of schemes sometimes ripen into the most successful of working realities? These questions lead me to the kindred topic of the connection that exists between England and her Colonies. With regard to it, let us admit at once as truisms that Conservatives will always endeavour to retain this connection, that it consists in ties which must always be to a great extent sentimental, and that it must be only touched with a delicate hand. Granting all this, might not something yet be done by Conservatives which should not weaken the links of sentiment. and which should yet, and by means of them, bring to the mother country more of material advantage and less of material responsibility, than results from the present character of the relationship? In addition to the military union which has been suggested, might not a closer commercial confederation between England and the Colonies give to them, and to us, the advantages of a world-wide system of Free Trade, while as against the rest of the world we both might have a tariff based on reciprocity? Gentlemen, on this and other subjects of vast difficulty and importance, I am not so presumptuous as to put my thoughts into any more positive form than that of questions for others to answer. But I do hope that such questions will meet with the careful consideration of Conservatives. And if Conservatives could find an affirmative answer for this particular question, and if by a notable effort of constructive statesmanship they could make our Colonial Empire a source of military strength as well as of obvious commercial profit to us, the English people would not, I think, lightly forget the work or its authors.

Yet another subject which demands the anxious consideration of the Conservative party is the state of agriculture in England. As most of us know but too well, the tenant farmers are now, as a body, depressed and discontented; that is to say, that class which for centuries has been, while independent, pre-eminently stable in its political opinions, and which has given to the Constitutional and Conservative cause its most faithful allies, has through a concurrence of untoward circumstances become dissatisfied with the conditions under which it trades, and, as a natural consequence, at the late General Election deserted in large numbers to the party which thrives on such discontent. As it must always be the prime object of rational Conservatism to prevent or satisfy the discontent of any large class, so more peculiarly is it its duty to attempt this when the discontented class is disposed to stability, when it is moreover a class allied to the natural leaders of the Conservative party by every tie of common interests and common sympathies. For heaven's sake let us not stand idly by condoling with the troubles of the farmers while the Radicals

are sedulously exciting and fostering the discontent born of these troubles, and at the same time are perpetually giving them enticing little political sops as earnests of larger favours to come. Mark how careful the Radicals are that each concession which they make to the demands of farmers should have this inseparable characteristic, that it should be made at the expense of the other great stable and Conservative class—the landowning class. Gentlemen, it is a skilful and specious policy; but while there is still time to counteract it, let us be active and defeat it; for, though these quack political remedies of the Radicals may please the farming class for the moment, who that knows anything of the matter believes that English farming will pay appreciably better when the laws of entail and primogeniture, and distress, and the game laws are abolished, or when, by some mysterious means, that darling dream of the Radical's imagination is realised, and land is made as easy of conveyance as a shop or a share? I do not say that these are proposals to be resisted. My meaning is merely this, that they are favoured by Radicals under the impression that they will do at least as much injury to the landlord as they will do good to his tenant, and that there are other remedies which will certainly more directly and materially help the tenant, while they will not injure the position of the landlord. These other more direct and non-political remedies are: firstly,

a redistribution of the burdens of taxation and rating which now press with excessive weight on the land, and, secondly, protection for native products. Historically, much of the incidence of taxation dates from times when landed property was the sole or principal source of wealth. Of course this has long ceased to be the case; and yet, while the value of land, as compared with that of other forms of property, has steadily diminished, the Legislature has kept on casting additional burdens on it. Cannot the Conservative party work out a scheme for an equable readjustment of the incidence of imperial and local taxation?

With reference to the second direct remedy of Protection, it would be absurd lightly to throw off an opinion in favour of a return to Protection, however modified or disguised; but is it not equally absurd to shrink from the thorough discussion of the possible wisdom of such a return? That a return to protective duties would restore much of its former prosperity to English agriculture cannot be disputed. Neither can it be disputed that the agriculturists' prosperity would be gained at the expense of the consumers. It is, therefore, a question between these two conflicting interests, and is it not conceivable that a guarded protection might throw no appreciable burden on the vast mass of consumers, while yet it might be of material advantage to the much smaller number of agricultural producers? At any rate, it is monstrous that the

very existence of the industry of greatest political and social value to England should be threatened, and a certain remedy be avoided, simply for fear of the charge of economical heresy. As Radicals are very fond of reminding us, when the subject is land in Ireland, it is pedantry to suppose that a particular abstract formula must never, under any circumstances, be departed from. Inquiry now seems to be stifled on this momentous subject. A victim of the times may venture to whisper Protection, or, in even milder accents, Reciprocity; but the shibboleth Free Trade is shouted at him so furiously by a host of angry Radicals that his whisper is drowned, and sober discussion is never reached. It is not a pleasant thing to arouse the epistolary rage of Mr. Bright, but even at the risk of his wrath it would seem to be the duty of Conservatives patiently to study whether in this matter the hostile interests of consumers and producers cannot be accommodated more equitably and equally than they are at present, and whether some more satisfactory modus vivendi may not be established between them.

If something be not done to improve the conditions under which agriculture is carried on, this will, amongst other evil consequences, follow. There will be a further aggregation of land in the hands of the wealthy few. If the Radicals carry out all the alterations they desire in the land laws, and if, in consequence, more land is thrown into

the market, it will only be thrown there to be bought up by the wealthy. If the agricultural value of land does not increase, this tendency will be aggravated. Surely it is one which true Conservatives should deplore and seek to prevent. The almost total extinction of the yeoman class has been a loss to our stock of political stability and independence. The extinction or diminution of the squirearchy would be an equal loss, while the consequent concentration of land in the hands of still fewer owners would give fresh and grave force and reason to a cry for a compulsory redistribution of land. Constructive Conservatism could aim at nothing worthier than the discouragement of this mischievous process, and at the re-creation of a numerous class of small landowners.

I now reach the last branch of my subject, the opportunities which matters not purely political afford to Constructive Conservatism. You will remember how Mr. Disraeli, in a famous speech at Manchester towards the close of Mr. Gladstone's last Ministry, exclaimed, "Omnia sanitas," and promised that the Conservative party should devote itself to the social well-being of the people. A Conservative Government was soon afterwards formed; and Mr. Disraeli in office did not forget this policy that he had indicated when in opposition. Something was done in pursuance of his pledge; but the times were difficult; dangers abroad, dangers aggravated, as we can never

forget, by the persistent and virulent factiousness of the Radicals, necessarily diverted the time and attention of the Ministry and Parliament from domestic legislation. The subjects too themselves were novel, and not to be settled summarily. And so, much still remains to be done in this field of work. Here, we need not so greatly fear that we shall be anticipated by Radical legislation, though Mr. Fawcett has certainly during his short term of office set an admirable example of the social work that a Minister can do. But, as a rule, the lofty souls of Radicals are not concerned with the material comfort of the people. They contemptuously scoffed at Mr. Disraeli's policy as a "policy of sewage"; and now again they are too much bent on "heroic," which always means for them political and destructive, work, to interest themselves greatly in such matters. Let Conservatives then apply their minds to social difficulties, but let them not attach too exclusive an importance to legislative action. Much, perhaps the most, may be done in these matters by voluntary efforts. The history of the Volunteer movement, a movement, of course, political in itself, but abounding in excellent indirect results to society, is ample proof of this. Let only Conservatives individually, as well as collectively, by voluntary, as well as by legislative means, busy themselves during this present period of opposition to mature plans for the removal of existing evils. Our time for action must come again before long. Under the present franchise reaction follows close upon reaction. The popular and polemical orator of the days of opposition soon loses his attractiveness when shackled by the responsibilities of office. Trade will not always flourish, nor the harvests always be abundant, even under a Radical Government. Some of the eager pledges. promises, and prophecies of the days when all things evil were attributed to the rule of the wicked Earl of Beaconsfield will remain unexecuted and unfulfilled. Many actual blunders will be committed; many mere misfortunes will discredit the Government; and, beyond all, the wide differences that intersect the composite ranks of the Ministerialists must gape ever wider until at last they destroy their cohesion. Then will come the opportunity for the Conservative party; and if by that time we have developed the sort of constructive policy some possible outlines of which I have roughly attempted to indicate, why should we not then find our partisan ranks recruited by those who have heretofore been neutral or indifferent—the men of business, who have no sympathy with Radical attacks upon the Church, upon property, or upon the Constitution, but who have hitherto hesitated to identify themselves with a party accused of being reactionary, or at best, stationary? In the region of foreign affairs, gentlemen, something of this kind has, thanks be to Lord Beaconsfield, taken

place, but in consequence rather of the sentiment seen to be underlying his foreign policy than to its precise achievements. Many, very many, impartial men, independently of party, admit that the foreign policy of the late Government was in its spirit and aims a national policy. They acknowledge that Conservative statesmen have a juster conception of the grandeur of the British Empire. of its power for good throughout the world, and of the responsibilities which its very greatness imposes upon Englishmen. They see, too, that these statesmen have more clearly than their English opponents perceived what are the particular dangers that threaten this empire, and that with greater prudence they are prepared to take the most effectual measures for meeting these dangers. Let us, in like manner, by our domestic policy attract fair-minded Englishmen to our ranks. Let us make it plain to them that, although we will be no parties to attacks upon the Constitution or on property, we are prepared with definite plans for making that Constitution work more satisfactorily. for giving additional stability to the stable and conservative elements in our national life, and for removing or lessening the grievances or evils under which classes or trades labour. Surely on proof of this such men would come to our side. And, perhaps, by such a policy we may loosen from his allegiance to the Radical party that anachronism, the so-called moderate Liberal, who, with an infatuation equal to Titania's, hugs a monster whose nature he will not recognise. Then we shall find ourselves face to face with the opposite party, which would dwindle down until it consisted, as logically it should consist even now, of those alone who desire essential changes in our Constitution, and who are aiming at an artificial social equality, at the risk of our national fame and power abroad and our peaceful and orderly progress at home.

